

Communist doctrine of "democratic centralism" which binds all Communists to execute the decisions of the leaders of the world Communist movement. When leaders of the organization have failed to obey the decisions of Stalin, the Communist International and other spokesmen for the world Communist movement, they have been expelled or otherwise censured. It was in recognition of the disciplinary power exercised by the government and Communist Party of the Soviet Union and the Communist International that leaders of the Communist Party were assigned by the Communist International as its representatives in such places as China, Germany, Latin America, India and Great Britain.

## VII

For the purpose of expediting and promoting its objectives and concealing its foreign direction, domination and control, the Communist Party, from its inception has adopted a multitude of clandestine practices. While the degree of secrecy has varied from time to time, there has been strict adherence to the practice of secrecy during the period from July 1945, to the time of the filing of this petition. The means by which the organization has sought to cloak itself in secrecy includes the following:

(a) The practice of having both open and concealed members;

(b) The policy of refusing to disclose to courts and other governmental agencies having a right to such information the facts concerning the membership and operations of the organization;

(c) The practice during periods of strict secrecy of destroying or secreting existing records and of not keeping membership records and of not issuing membership cards;

(d) The use of protective language in the organization's constitution to mask the organization's real objectives; and the use of words in the organization's terminology which have one meaning to the uninitiated and a completely different meaning to members of the organization;

(e) The practice of identifying members by Party names, numbers and symbols;

(f) The use of code words, couriers, confidential mailing addresses, and other similar devices;

(g) The practice of resorting to false swearing where deemed expedient;

(h) The practice of having secret meetings limited to trusted members;

(i) The reduction of the size of important committees so as to limit the number of persons who have access to vital information;

(j) The division of the membership into groups of no more than five so as to protect the identity of other members of the organization;

(k) The practice of assembling materials and devising plans for the underground operation of the organization; and

16 (l) The practice of instructing members who are not openly known as such to refuse to disclose their membership in the organization and of instructing all members of the organization to refuse to disclose the identity of other members of the organization.

## VIII

From 1919 to the date of the filing of this petition, the leaders of the Communist Party and a substantial number

of its members have considered the allegiance they owe the United States as being subordinate to their loyalty and obligations to the government of the Soviet Union.

(a) The government of the Soviet Union has been and is regarded as the only fatherland of the world Communist movement, which all Communists are obliged to support and defend under all circumstances.

(b) The Red flag has been and is recognized as the flag to which Communists owe primary allegiance.

(c) In the event of a war between the Soviet Union and any other nation, it is the recognized duty of all American Communists to support and defend the Soviet Union.

(d) In the event of a war between the Soviet Union and the United States, the Communists in the United States have obligated themselves to act to defeat the military efforts of the United States and to aid and support the Soviet Union. The Communist Party teaches its members that in such event they must act to foment a civil war in the United States as a means for impairing the nation's military effort and for establishing a Soviet America having a dictatorship of the proletariat such as exists in the Soviet Union.

(e) At the Seventh World Congress of the Communist International, the delegates from the Communist Party, including some of the present leaders of the organization, took an oath to "Comrade Stalin, Our Leader", pledging their complete support and assuring him that they would be faithful to the end.

(f). To the leaders and members of the Communist Party, patriotism means solidarity with and support of the Soviet Union.

Respectfully submitted,

J. HOWARD McGRATH

J. Howard McGrath,

*Attorney General*

JAMES M. McINERNEY

James M. McInerney,

*Assistant Attorney General*

IRVING S. SHAPIRO

Irving S. Shapiro,

*Special Assistant to  
the Attorney General*

WM. A. PAISLEY

William A. Paisley,

*Special Assistant to  
the Attorney General*

November 22, 1950

18

## VERIFICATION

WASHINGTON, DISTRICT OF COLUMBIA ss.:

J. Howard McGrath, being duly sworn, deposes and says:

I am the petitioner above named. I have read the foregoing petition and know the contents thereof. The matters alleged are based on information and belief, and I believe them to be true. The sources of my information and the grounds of my belief are the investigative reports made by the Federal Bureau of Investigation with reference to the Communist Party of the United States of America.

J. HOWARD McGRATH

J. Howard McGrath

Sworn to before me this 22nd day of November, 1950

A. DEVITT VANECH

138

(Filed February 14, 1951)

**Answer**

Respondent files this answer under protest against the arbitrary, illegal and prejudicial action of the Board in ordering it to answer in advance of an adjudication of its assertion of the privilege against self-incrimination secured by the Fifth Amendment in the action pending in the District Court of the United States, entitled *Communist Party of the United States, et al. v. McGrath, et al.*

Respondent reaffirms and reasserts all of the grounds for the dismissal of the petition, the quashing of the proceeding and the striking of the petition set forth in its motions heretofore filed with the Board.

Answering the petition, the respondent denies that it is a Communist action organization as defined in Section 3 (3) of the Subversive Activities Control Act of 1950.

Respondent reserves the right to amend this answer in the event of a court adjudication in the above entitled action that an answer is required.

THE COMMUNIST PARTY OF THE UNITED STATES

By: Gus Hall,  
National Secretary

139 STATE OF NEW YORK: }  
COUNTY OF NEW YORK: } ss.:

GUS HALL, being duly sworn, deposes and says: I am the National Secretary of the Communist Party of the United States and I subscribed to the foregoing answer on its

behalf. I have read the foregoing answer and know the contents thereof, and the same are true.

GUS HALL

Subscribed and sworn to before me this 13th day of February, 1950

CARL BRODSKY  
Notary Public

Carl Brodsky  
Notary Public, State of New York  
No. 35-0428950  
Qualified in New York County  
Term Expires March 30, 1951

177

(Filed April 3, 1951)

**Amended Answer**

Answering the petition, the respondent states as follows:

**I.**

A. Respondent denies the authority of the persons purporting to act as members of the Subversive Activities Control Board to conduct this proceeding, for the reason that they do not hold lawful office, and no lawfully constituted Board is now in existence.

B. Respondent files this amended answer and participates in this proceeding under protest against the denial by the Subversive Activities Control Act of 1950 (herein called the Act) and by this proceeding of fundamental civil and political rights guaranteed to it by the Constitution and Bill of Rights.

C. Respondent reaffirms and reasserts all of the grounds for dismissing the petition, quashing the proceeding and striking the petition set forth in its motions heretofore filed in this proceeding.

## II.

A. Respondent denies the first unnumbered paragraph of the petition, and further denies that it is a Communist action organization as defined by Section 3 (3) of the Act.

B. Respondent states that it was organized in 1919 and has been in existence continuously since that date, and states that its organizational structure and the relations between the national organization and its state, county, city and other units, are as defined and prescribed in its National Constitution.

C. Respondent denies the first five unlettered paragraphs of Section II of the petition. Respondent refers to 178 Part III of this answer for a true and correct statement of its purposes, the principles on which its policies are based and the manner in which they are adopted and carried out. Respondent denies paragraphs (A) to (I) of Section II of the petition, except to the extent that said paragraphs may be construed to allege the facts that: (1) it was affiliated with the Communist International prior to November, 1940; (2) it disaffiliated from the Communist International in November, 1940; (3) the Communist International was dissolved in June, 1943; (4) prior to October 16, 1943, there was an organization in the United States known as the Young Communist League, which prior to December 22, 1940, was affiliated with the Young Communist International (5) at a Convention of the Communist Party in May, 1944, the Party reorganized itself as the Communist Political Association; (6) in July, 1945, at a Convention of the Communist Political Association, the Communist Party was reconstituted; (7) in 1929 there was a disagreement within the Communist Party; and (8) certain books and other publications, including the books and publications described in paragraph (E) of Section II, have been sold and distributed in the United States. Respondent denies the relevancy of any of the foregoing facts to any issue to be determined in this proceeding.

D. Respondent states that it has adopted and advocated views and policies on public questions of concern to the American people, and particularly the working people. Respondent denies the false, distorted and tendentious statements of Section III of the petition relating to its views and policies, their character and purpose, and further denies the relevancy of the allegations of Section III to any issue to be determined in this proceeding. Respondent refers to Part III of this answer for a true and correct statement of the character of the views and policies of the Party and the purpose of their adoption and advocacy.

E. Respondent denies that it receives financial aid from or at the direction of the Government of the Soviet Union, the Communist Party of the Soviet Union, the Communist International, or the Communist Information Bureau. Respondent denies paragraphs A, B and E of Section IV of the petition. Respondent denies the relevancy of the allegations of Section IV of the petition to any issue to be determined in this proceeding.

F. Respondent denies Section V of the petition. Respondent states that during the period of its affiliation with the Communist International, members and representatives of the Party attended and participated in meetings of its congresses and certain of its committees; that members of the respondent have from time to time visited foreign countries, including the Soviet Union; that in the past certain members of the respondent studied in the Soviet Union. Respondent denies the relevancy of any of the foregoing facts to any issue to be determined in this proceeding.

G. Respondent denies Section VI of the petition.

H. Respondent denies Section VII of the petition, and refers to Part III of this answer for a further answer thereto.

I. Respondent denies Section VIII of the petition, and refers to Part III of this answer for a further answer thereto.

### III.

#### A.

The Attorney General's petition misrepresents and completely distorts the Communist Party's peace policies. It adopts the supposed "Congressional findings of fact as set forth in Section 2" of the Act.

The Communist Party declares that these so-called findings are gross falsehoods, a re-hash of the Hitler-Goebbels Big Lie under cover of which the Nazis seized power in Germany and plunged the world into war.

The language of that Act paraphrases the words of Hitler, who declared that:

180 "The Communist Party was a section of a political movement which had its headquarters abroad and was directed from abroad . . .

"We look on Bolshevism as a world peril for which there must be no toleration . . . Communism is the most frightful barbarism of all times." (*Nazi Conspiracy and Aggression*, U. S. Gov't. Printing Office, Washington, D.C. 1940, vol. 1, p. 246)

In 1820, similar slanders were spread against the United States itself by Count Metternich, architect of the reactionary European war pact known as the Holy Alliance.

According to Metternich:

"These United States . . . have cast blame and scorn on the institutions of Europe most worthy of respect . . . fostering revolutions wherever they show themselves . . . they lend new strength to the apostles of sedition, and reanimate the courage of every conspirator," Dexter Perkins, *Hands Off! A History of the Monroe Doctrine*, Boston, 1941, pp. 56-57.

(1) The Communist Party has consistently defended world peace and the national security of the United States. The false and distorted characterization of its views and policies on international questions to Section III of the Attorney-General's petition are wholly irrelevant to the charge of foreign domination.

The petition cites a series of instances in which the policies advanced by the Communist Party were in agreement or at variance with the foreign policy of particular administrations. The Communist Party opposed the foreign policies of the Harding, Coolidge and Hoover Administrations. So did many non-Communist Americans. The Communist Party supported the main anti-Axis and peace policies of the Roosevelt Administration, while freely exercising its right to criticize or oppose certain departures from these policies which weakened the struggle for peace. It did not stand alone, either in its support or in its opposition.

The Communist Party has indeed opposed the whole war policy pursued by the bipartisan coalition in power since Roosevelt's death. But it is wholly irrelevant to the false charge of foreign domination and control that it opposed such policies as the Truman Doctrine, the Marshall Plan, the North Atlantic Pact, or the U.S. Government's brazen interference in the Italian elections of 1948 which is belatedly admitted in the Attorney-General's petition. Equally irrelevant is its opposition to the re-arming and re-Nazification of western Germany, to the appeasement of fascist Spain, to military support of the puppets Bao-Dai and Chiang Kai-shek, to the interventionist war in Korea; and the acts of aggression against the Chinese People's Republic.

Millions of non-Communist Americans have joined with it in opposing some or all aspects of the Truman Administration war policies. The Communist Party has been at all times in the vanguard of this growing popular opposition to all Wall Street's war aims, and has been at all times

consistent in its advocacy of a peace policy based on American-Soviet cooperation.

(2) The Communist Party has supported all genuine peace proposals, regardless of where or by whom they were initiated. This fact is also irrelevant to the false charge of foreign domination and control.

The Communist Party insists that any proposal for the settlement of international differences must be judged solely by the extent to which it serves the interest of the American people—which coincide with those of all peoples who aspire to lasting peace.

It has consistently supported the peace proposals advanced by the Soviet Union for the reason that the peace policies of the Soviet Union have consistently met this supreme test. The U.S.S.R. is a socialist country, ruled by the working people. It is a land free of international cartellists, monopoly profiteers, merchants of death and others who stand to profit in any way from aggression, conquest or war. Free from the spectre of recurrent economic crisis and mass unemployment, the Soviet Union has a limitless home market for its expanding peace-time production and thus has no reason to embark on imperialist adventures abroad. Its cornerstone is the equality and friendship of peoples, and it has destroyed the social and economic roots of war by abolishing class and national oppression.

The Communist Party has not hesitated to support various peace proposals initiated by capitalist states. It has supported such policies whether put forward by President Roosevelt before and during World War II, by President Truman at Potsdam, or more recently by Premier Nehru of India and the Arab-Asian bloc in the United Nations.

The Communist Party has also supported a number of important peace campaigns initiated by people's movements in the United States and elsewhere. A notable example is the World Peace Appeal for outlawing atomic

weapons through international agreement and inspection. Other examples (significantly omitted from the petition) are its support for the similar appeal made by the International Red Cross, and the peace proposals advanced by the American Quakers.

(3) It is irrelevant to examine the extent to which the position of the Communist Party on one or more issues of foreign policy coincides with that of the Soviet Union or any other nation.

The purpose of the Communist Party in advocating its peace proposals cannot be established by determining who initiated, supported, or opposed them. The only pertinent test is: does the policy advocated by the Communist Party conform to the true interests of the American people by promoting the cause of world peace?

Every example of the peace policy of the Communist Party set forth in Section III of the petition—despite the Attorney-General's attempt to falsify and distort them—illustrates the consistency of its devotion to the cause of peace, and hence to our country and people. Every cited example exposes the Attorney General's sinister effort to make it appear that *the United States is Wall Street*, and the venal interests of the big bankers and international cartellists, those of the nation.

The Communist Party declares that the American people are the nation. The enemies of the nation and people are the handful of Wall Street monopolists who lead a world-wide conspiracy to subordinate human life and liberty to their vested interests and greed for profit.

The Communists—and many non-Communists—served our country well by opposing the Wall Street monopolists who in the 1930's financed and supported Hitler, condoned the rape of Manchuria, Ethiopia and Czecho-Slovakia, and up to the day of Pearl Harbor sold oil and scrap iron to Japan. Those Americans—Communists and non-Communis-

nists—were true patriots who opposed the embargo against Republican Spain, fought in the Abraham Lincoln Brigade, and otherwise defended peace and democracy against the fascist Franco and his masters Hitler and Mussolini.

The Communist Party, and many others, opposed the Wall Street cartellists who maintained treasonous relations with their Nazi partners throughout World War II. Communists and all true defenders of the United States opposed the big monopolist corporations that refused to convert their plants to war production, until bribed with huge cost-plus contracts and excess profits.

It was the American workers, including the leaders and members of the Communist Party, who selflessly supported the U.S. anti-fascist World War II effort on the battlefield and on the home front.

The Communist Party today calls on the American people to reverse the policy that frees the Nazi war criminals, and the murderers of American G.I.'s at Malmedy. It opposes the restoration to power of Alfred Krupp, the re-arming of western Germany and Japan, the rebuilding of the German and Japanese trusts under the new management of Wall Street.

The Communists are joined by millions in opposing and condemning these betrayals of the World War II dead, and the aims for which 15,000 members of the Party  
184 served in the armed forces of the United States.

The foreign policies which the petition accuses the Party of opposing have now brought the world to the brink of a terrible atomic war. They have already cost over 50,000 American casualties. They have brought on the United States the hatred and moral condemnation of all peace-loving humanity. These are the policies that launched General Ridgeway's "Operation Killer," the policies of war on the colored peoples of Asia, of mass murder, of genocide..

These same imperialist policies are saddling the American people with crushing taxes, driving down the worker's

living standards through unrestricted monopoly profiteering and rigid wage freezes. These policies are fostering unprecedented brutality against the Negro people, and extending the Dixiecrat system of lynch justice to our Northern cities and to the Negro G.I.'s in Korea. These policies are corrupting our youth, putting 18 year-olds in uniform and training them to become what General Hershey called a "generation of killers."

These policies mock our country's democratic traditions, and are fast destroying both the Constitution of the United States and the Charter of the United Nations.

In whole or in part, the policies which the Communist Party has opposed are opposed by a majority of the American people. The attempt, through this proceeding, to outlaw the Communist Party is therefore also an attempt to outlaw all opposition to a third world war, all united action in defense of world peace.

To this end, the petition seeks to establish that the Communist Party, and any other group that does not submit to control by the Wall Street monopolists, is "foreign dominated." The Communist Party freely admits its independence from and opposition to this war-minded financial oligarchy. This proves only that it is "dominated" by concern for the welfare of the workers and common people of the United States.

185 (4) The Attorney General's allegation as to what patriotism means to the leaders and members of the Communist Party is wholly false and malicious.

The Communist Party rejects the chauvinist slogan, "My country right or wrong." With this slogan, and in the name of German "patriotism," Hitler dragged the German people to national dishonor and national disaster, and forced them to support the Axis war against humanity.

The Communist Party subscribes to the slogan of Carl Schurz: "My country, right or wrong; when right to be kept right, when wrong to be set right."

This concept of patriotism is in the great American tradition of Abraham Lincoln, Frederick Douglass, Ralph Waldo Emerson, Henry David Thoreau and others who actively opposed the Polk Administration's annexationist war against Mexico. It is in the tradition of Carl Schurz, Mark Twain, Finley Peter Dunne and others who opposed the unjust Spanish-American war and the annexation of Puerto Rico and the Philippines. It is in the honored tradition of Eugene Debs, who was jailed for his opposition to the first World War.

Today true patriotism expresses itself in united struggles for a foreign policy that will keep our country secure in a world at peace; advance the economic and social welfare of our people by devoting America's vast resources and labor power to peace-time production and construction; defend and extend the democratic rights of all Americans, Negro and white, by defending the right of all peoples everywhere to take their own path to social progress.

In this spirit of true patriotism, the Communist Party seeks to unite all like-minded Americans—regardless of their political beliefs—in a common struggle to curb the would-be war-makers, and to reconstruct Roosevelt's "Grand Design" for world peace by establishing friendly relations and trade with the Soviet Union, the Chinese People's Republic, and the People's Democracies of Eastern Europe.

186 It is beyond dispute that today world peace must be based on agreement between the United States and the Soviet Union. By stigmatizing all agreement with the Soviet Union, and making hostility toward it the test of "patriotism", the Attorney-General reveals that the real purpose of this proceeding is to outlaw the advocacy of peace and to prepare for an American-made war of aggression and conquest.

The Communist Party has been an American working class political party for over thirty years. Its record is one of defense of the rights and welfare of the working class, the Negro people, and the interests of the American nation.

The true purposes and character of the Communist Party are set forth in its Constitution, which was most recently reviewed and re-adopted by the 15th National Convention in December, 1950. In its preamble the Constitution states:

"The Communist Party of the United States is a political party of the American working class, basing itself upon the principles of scientific socialism, Marxism-Leninism . . .

"The Communist Party upholds the achievements of American democracy and defends the United States Constitution and its Bill of Rights against its reactionary enemies who would destroy democracy and popular liberties. It uncompromisingly fights against imperialism and colonial oppression, against racial, national and religious discrimination, against Jim-Crowism, anti-Semitism and all forms of chauvinism.

"The Communist Party struggles for the complete destruction of fascism and for a durable peace . . .

"The Communist Party holds as a basic principle that there is an identity of interest which serves as a common bond uniting the workers of all lands. It recognizes further that the true national interests of our country and the cause of peace and progress require the solidarity of all freedom-loving peoples and the continued and ever closer cooperation of the United Nations.

"The Communist Party recognizes that the final abolition of exploitation and oppression, of economic crisis and unemployment, of reaction and war, will be achieved

187 only by the socialist reorganization of society—by the common ownership and operation of the national economy under a government of the people led by the working class.

“The Communist Party, therefore, educates the working class, in the course of its day-to-day struggles, for its historic mission, the establishment of Socialism. Socialism, the highest form of democracy, will guarantee the full realization of the right to life, liberty and the pursuit of happiness, and will turn the achievements of labor, science and culture to the use and enjoyment of all men and women.”

The Communist Party is “dominated and controlled” only by its members and the leaders they elect. Article IV, Sections 1 and 2 declare:

“Every member of the Party who is in good standing has not only the right but the responsibility to participate in the making of its policies and in the election of its leading committees, officers and delegates in the manner provided for in this Constitution.

“After a through discussion in any club, committee, or Convention, decisions are made by a majority vote.”

Article VII, Section 1 and 7, further states:

“The highest authority of the Party is the National Convention....”

“Between National Conventions, the National Committee is the highest authority of the Party.”

o (1) The roots of the Communist Party lie deep in American soil. Section I of the petition deliberately conceals the Party’s historic origins, in an effort to give credence to the false charge of foreign domination.

Socialist thought, primitive socialist experiments, and socialist political organizations appeared in this country long before the existence of the Soviet Union or the Communist Party. Karl Marx once observed that, “Socialism

and Communism did not originate in Germany, but in England, France and *North America*."

Nearly one hundred years ago, and sixty years before the Socialist Revolution of 1917, the first Communist club in America was organized. Many of Marx' works were first published in this country. American Marxists supported the founding of the Republican party, and backed 188 Lincoln's 1860 campaign for the presidency.

American followers of Marx, who called themselves Communist, enlisted in the Union Army. Joseph Wedemeyer and August Willich rose to the rank of Brigadier General. Among other well-known Communists of the time were Fritz Jacoby, a leader of the New York Communist Club who was killed at Fredericksburg, and Robert Rosa, a Major in the Union army.

American Marxists were active in the early trade unions. They helped form the first National Labor Union—the forerunner of the American Federation of Labor, whose head, William Sylvis, subscribed to the principles of the International Workingmen's Association—the First Communist International.

In 1881, American Marxists played a leading role in the organization of the American Federation of Labor, and their socialist views were reflected in the preamble to its first Constitution.

In 1876, the American Marxist organized as a national political party—the Socialist Labor Party. In 1900, the Socialist Party was established.

In the decade prior to the Russian Revolution of 1917, a strong left trend developed in the American Socialist Party led by Eugene Debs. This group finally broke with the opportunist leaders of the Socialist party, who had betrayed the principles of socialism and abandoned the struggle against the imperialist war of 1914-1918.

The victory of the first socialist revolution, and the establishment of a socialist state in the land formerly ruled by the Czars, was an historic event which naturally made

a deep impression on workers all over the world, including those Americans who had long held socialist ideas and now saw their socialist dream become a reality. In 1919, these left forces in the Socialist party founded the Communist Party. Its first general secretary was Charles E. Ruthenberg, who had been imprisoned with Eugene Debs as a result of his peace activities in 1918.

189 The Communist Party chairman, William Z.

Foster, was an active participant in these socialist movements, and in the struggles of the trade unions where his leadership of the 1919 steel strike made labor history. Elizabeth Gurley Flynn, a member of the Communist Party National Committee, and many of its charter or veteran members came to the Communist Party deeply imbued with socialist thought and bringing with them a rich experience of the class struggle in this country. These Communist leaders symbolize the continuity of the Communist Party history, and are living refutation of the Attorney General's specious contention that the Party is foreign in origin and alien to America.

(2) The Communist Party is a party of a new type. Far from being a "conspiracy" it is a political party of the working class.

The Communist Party is the political party of the American working class, and therefore a party of a new type. It does not conform to the structure and practices of the Democratic and Republican parties because the aims and aspirations of the working class do not conform to the aims and aspirations of the imperialist exploiters.

The Republican and Democratic parties are the servants of the monopolists, and seek to perpetrate the system of private ownership under which the few profit from the labor of the many. The Communist Party is the party of Socialism, and strives to convince the workers that it is their historic task to establish the common ownership of the nation's resources and manage its productive capacity for the benefit of all the people.

Unlike the Republican and Democratic parties, the Communist Party is free from corruption. It has never had a Teapot Dome, deep-freeze, or mink coat scandal—a Pendergast machine, or a Frank Costello in its ranks.

190 Unlike the Republican and Democratic parties, the Communist Party does not deceive the voters and make election promises to be forgotten after the votes are in.

Unlike the Republican and Democratic parties, the Communist Party does not offer the people fake "alternatives," while keeping them prisoners of the two-party system owned and run by Wall Street.

The Communist Party is the vanguard party of the American working class. In fulfillment of its vanguard role, it led the long struggle to organize the workers in the mass production industries, and to establish industrial unions. In the 1930's, the decisive sections of the American working class responded to the Communist Party's vanguard leadership, when with the assistance of hundreds of Communists the Congress of Industrial Organizations cracked the open shop in the basic industries.

During the years of Hoover's Great Depression, the Communist Party led the successful fight for government unemployment relief and insurance.

The Communist Party is the vanguard Party of the Negro people in their struggle for national liberation and equality. It actively opposes the ideology of white supremacy and works for the alliance of the working-class with the Negro liberation struggle. It resolutely combats any expression of white chauvinism in its own ranks.

The Communist Party initiated and led the campaign that defeated the Scottsboro frame-up. It leads the fight against lynch justice, jim-crow discrimination and segregation, and the national oppression of the Negro people who are the majority in the Black Belt in the South. It fights for an F.E.P.C. and poll-tax repeal. It bent every effort to save the Martinsville martyrs and is fighting resolutely for the lives of Willie McGee and the Trenton Six.

The Communist Party is a party of a new type because it is a party that promotes Negro and white unity, and the united action of all groups and individuals prepared to struggle against the threat of fascism and war.

191. The Communist Party is a party of a new type because it engages in and helps lead all the economic struggles of the workers and common people, actively supports the wage demands and strikes of the trade unions, participates in popular movements for rent and price controls, for schools, housing and medical care. It concerns itself with the economic and social conditions of the youth, women, and small farmers. It fights against the wage-freeze, increased taxes and other effects of the huge war budget upon those least able to pay. It has led the struggle to preserve the Bill of Rights, against the reactionary drive of the war-mongers to convert our country into a police state, and to degrade our culture into an American version of Nazism.

The Communist Party is the party of peace, social progress and *Socialism*. Unlike the Republican and Democratic parties, the Communist Party seeks to educate the workers in the course of their day-to-day struggles, to promote labor unity and the united action of all peace-loving and democratic forces.

The Communist Party participates in national, state and city election campaigns. It organizes public discussion of its local and national Convention resolutions, and of the reports made to its National Committee. It uses every means available to make its policies known to the American people, and to convince them of the validity of its position on all public questions.

(3) The Communist Party promotes working class internationalism. International labor solidarity and the cooperation of the world peace forces have benefitted our own as well as other countries. The Communist Party's participation in international movements is totally irrelevant to the charge of foreign domination and control.

The Communist Party fully subscribes to and practices the view of Abraham Lincoln who said:

"The strongest bond of human sympathy, outside of the family relation, should be one uniting all working people, of all nations and tongues and kindreds."

192 The Attorney General's false charges were also answered in 1869 by William Sylvis. Noting that the program adopted at the Baltimore Convention of the National Labor Union was strikingly similar to that drawn up by Karl Marx at the Geneva Congress of the First International, Sylvis wrote to Marx: "Capital is the same tyrant in all parts of the world. Therefore, I say our cause is a common one."

Internationalism is a cherished American tradition. At its birth in 1776 our country had the fraternal assistance of Lafayette, Kosciuszko and Steuben. These participants in our Revolution were not French, Polish or German "foreign agents." France did not cast out Lafayette as an "American agent," although he returned honored with American citizenship conferred on himself and his descendants.

The Union cause in our Civil War of 1861-65 owed much to the support of the British working class—which saved us from British intervention in behalf of the slave-owning insurrectionists. Yet the British workers were not "American agents," but true British patriots.

The struggle for an eight-hour day, initiated in the United States, became an international struggle in which the workers of Europe and America joined forces to better their living and working conditions.

The historic international struggles for the freedom of Dreyfus in France, for the freedom of Tom Mooney, Sacco and Vanzetti, the Scottsboro boys in America, and many other similar labor defense struggles were "dominated" only by the universal concern of the peoples to save the victims of class injustice. Beginning with the Reichstag Fire trial, and the frame-up of the great Communist leader

George Dimitroff, Nazi atrocities gave rise to a tremendous wave of such international struggles.

Among the working class internationalism arose in the earliest days of the trade unions in every country. 193 They found it essential in order to protect themselves against the breaking of strikes by the employers, through importation of workers from other countries, who were kept ignorant of the existence of the strike.

The forms of working class internationalism vary. At one time, the Communist Party was affiliated with the Communist International, and participated in its congresses and political campaigns around specific issues. Those relations were terminated in 1940, and the Communist International itself dissolved in 1943. Since 1940, the Communist Party has had no international affiliation of any kind—although it follows with interest the experiences of other Communist parties, reads their journals, and on appropriate occasions sends or receives fraternal greetings.

International cooperation has often included financial assistance from workers of any countries to workers of other countries. The Communist Party raises its finances from its membership and from public appeals and campaigns. Its annual financial drive is conducted publicly. For many years the Communist Party gave financial assistance to the victims of facism, to the resistance movements in various fascist countries, and to anti-fascist refugees. Such practices have by no means been limited only to Communist or working class movements in this country. The long fight for the Irish Republic received financial support from individuals and groups in many countries. From the days of the Czarist pogroms to those of the Nazi terror, the Jewish people of Europe have received financial aid from Jews and non-Jews throughout America and the world. American Zionists have for years contributed financially to the support of their movement in other countries.

Participation in an international working class organization in no way implies any foreign "disciplinary power."

It cannot and does not imply robot-like "discipline".  
 194 Participation in a working-class international organization means to consult together on the basis of the different types of working-class experience in each country, to assist one another in the scientific examination of such specific conditions and experiences, and to place the combined thinking at the service of the working-class of one's own country for their consideration.

The Attorney General's false charges in this connection have an obvious and sinister purpose, as the petition reveals in its citation of the support given by the Communist Party to the mighty and growing world peace movement.

For the threat of an atomic world war has aroused the world's peoples to an altogether new appreciation of the value and power of international co-operation in defense of peace. The vast majority of the human race has formed a mighty and growing movement of struggle for peace. No nation on earth could, if it would, impose a robot-like "discipline" on these hundreds of millions of war-weary human beings. Nor can any agency of government prevent the American people from associating themselves with their fellow men and women in other lands, who are bound together by the universal and supreme will to prevent a third world war.

### C.

The Communist Party has resolutely defended its constitutional rights and legal status. It functions openly as a legal political party. It maintains public national, state and section headquarters which are listed in the telephone directory. Its views are constantly released to the general press, and published in daily, weekly and monthly papers and journals which circulate through the mails and are for sale on newsstands. Books by Communist leaders are sold in bookstores everywhere. The Marxist classics are on the

shelves of public and university libraries all over the country. National, state, and section organizations of the Party issue millions of leaflets every year—and give them 195 the widest possible circulation.

Despite the Communist Party's fight to defend its constitutional rights, and despite the wide support the American people have given this struggle, many restrictions have recently been placed on the Party's effort to present its program to the people. In a number of states the Communist Party has been deprived of its right to a place on the ballot. Almost everywhere it is denied the right to buy newspaper space for paid advertisements, or radio time. F.B.I. Director J. Edgar Hoover inadvertently admitted that the Party's right to secure meeting halls and assemble publicly has been drastically curtailed, when he told a congressional committee recently that the number of public meetings held under Communist auspices has decreased.

In similar defiance of the Constitution, the Communist Party and its members have been subjected to slander and persecution by a host of federal and local agencies, and singled out for prosecution by this Act and various state acts and local ordinances.

Communists are being robbed of their right to earn a living, as well as of their right to speak and assemble. Americans, alleged to be Communists, or to hold views shared by Communists, or to have relatives or friends alleged to associate with Communists suffer similar economic and social disadvantage.

Long prison terms are meted out to men and women simply because they are Communists, Communist sympathizers, or under suspicion of having Communist ideas. Persons under suspicion of association with Communists are harassed by legislative committees, threatened with violence, and in some instances have been the victims of physical assault. Americans of foreign birth, who have lived here since infancy, are threatened with deportation and the concentration camp on the ground of such alleged sympathies or associations.

Under these conditions, Communists have in some instances been obliged to safeguard their liberty and their jobs by exercising their right to keep their political views to themselves.

Such necessary precautions were forced on the American workers throughout the long years when their efforts to organize trade unions in the basic industries were met by blacklist, discharge, strike-breaking, violence, and a whole system of legalized and extra-legal terror.

Such necessary precautions were also common among the pre-Civil War Abolitionists. What the Attorney General calls "clandestine practices" were adopted by the heroic Negro leaders Harriet Tubman and Sojourner Truth, and by the Quakers and others who maintained stations on the underground railway in the days of the Fugitive Slave Law.

In the face of these facts the Attorney General now evnically claims that the precautions forced upon Communists as a result of their persecution by the Department of Justice and other public and private bodies have been voluntarily adopted by the Communist Party to conceal its purposes. His real complaint is that despite persecution, the Party is still able to express its views publicly, and to initiate or support broad united front actions on vital issues of the day. *The purpose of this Act and of this proceeding is therefore to outlaw the Communist Party, and remove it from all access to the market place of ideas. Their purpose is to prevent the Communists from rallying wide popular support for such policies as that adopted by the Party's National Convention in December, 1950:*

"It is the sacred duty of our Party, of every worker, of every person who loves his home and country, to prevent a third world war with all its ghastly consequences. Such a war would only spell death, destruction, untold misery, and starvation, not only for other peoples throughout the world, but for our own people. There is no greater patriotic duty than the prevent a third world war; for to save peace is to save America itself from destruction."

## D

Throughout the 32 years of its existence, the Communist Party has been guided by the working class social science first expounded a century ago by Karl Marx and Frederick Engels, and later enriched and developed by V. I. Lenin, Joseph Stalin, and their collaborators. This science was evolved from an objective analysis of the concrete economic and social conditions existing in various historic periods and in various parts of the world, and from the generalized experience of the world working class. Its chief exponents, their followers and collaborators, have analyzed the scientific laws of social change and progress, the laws of the development of capitalist production and of the irreconcilable conflicts inherent in the capitalist social system.

This science has enabled the Communist Party to guide the working people of the United States in effective struggle for immediate improvements in their living and working conditions, and to prepare them for future struggles looking toward the socialist reorganization of society.

The Communist Party naturally studies and learns from the foremost exponents of Marxism-Leninism, those whose theory and practice have been tested in experience and verified by history. But, in applying this science to the solution of the problems of the American working class and people, the Communist Party relies above all on its own leadership, on the experience of its members and other advanced workers, and upon its analysis of American conditions and the needs and desires of the American people.

Sharing a common scientific outlook, the Communist Parties of all countries naturally express similar views on current questions. This is particularly true when the questions are international in scope and related to the world wide struggle for peace.

The Attorney General's false charge that this similarity of views constitutes a "conspiracy" is as ridiculous as to

charge that similarity of views in any other science betokens some kind of conspiracy. Such a position would return humanity to the Dark Ages, negate all science, and ban all scientific inquiry and interchange. Yet the  
 198 Attorney General degrades our country's level of intelligence by making the charge that the publication in newspapers and working class scientific journals of speeches and articles by Communist leaders represent the submission of "reports" by "foreign agents" to their supposed "superiors."

(1) In its advocacy of social change, social progress, and the eventual socialist reorganization of society the Communist Party gives its allegiance only to the sovereign power that resides in the American people.

The Communist Party declares that no fundamental social change can be brought about in our country, except by the will and united action of a majority of the American people. Least of all can the socialist reorganization of society be imported, or imposed from without. The common ownership of the means of production cannot be established by any minority group, but only when a majority of the people accept the leadership of the American working class and its Communist vanguard.

The history of the United States has been marked by many great struggles for social change and progress. Victory in these struggles has been possible only when the majority of the American people made a decisive choice and threw their weight into the balance. The outcome of today's struggles, and of those of the future, will also be decided by the majority.

This is true for our country and for all countries. This generalization of past experience is emphasized in all the literature of Marxism-Leninism, from the century-old *Communist Manifesto* through all the current documents of the Communist Party of the United States.

This fundamental principle was emphasized by the world's leading Marxist, Joseph Stalin, when on March 1, 1936, he told the American publisher Roy Howard:

“‘Export of Revolution’ is nonsense. Each country if it wishes, will make its own revolution, and if it does not wish to, there will be no revolution. Thus, for example, our country wanted to make a revolution and made it.”

(2) Reaction has always levelled the “foreign agent” charge against movements for social progress, in our own and other countries. The fact that the Communist Party hails and supports the socialist achievements of the peoples of the Soviet Union and the lands of People’s Democracy, and the national liberation victories and struggles of the colonial peoples, is wholly irrelevant to the false charge of “foreign domination.”

Both before and during his presidency, Thomas Jefferson was denounced as an “agent of France” by the American Tories. The Federalists declared that the Democratic Clubs which Jefferson organized were “part of a vast secret and subversive international body organized by the bloody French Jacobins, and subsidized by Paris gold.” These and similar false charges were used as pretexts for passing the Alien and Sedition Acts of 1798—the hated political progenitors of the Subversive Activities Control Act of 1950.

The same false charges were levelled against the early American trade unions. In sentencing the New York tailors in the conspiracy trial of 1836, Judge Edwards declared: “Trade unions are of foreign origin and I am led to believe mainly upheld by foreigners.”

The Abolitionists, the woman suffrage movement, advocacy of a graduated income tax and proportional representation—even free public education—were in their time denounced as “foreign” inspired. Unemployment insurance and social security, first advanced by the Communist Party in the 1930’s, were opposed as a Moscow plot to wreck the American economy.

Today American imperialism opposes the peoples’ movements for social change throughout the world as “internal

aggression," organized and promoted by the Soviet Union—and therefore to be resisted by the force and violence of atomic world war organized by the United States. 200 This proceeding, and the Act under which it is brought, confirm that such a view can only lead to the destruction of all liberty in the United States itself.

The Act is planned and intended to outlaw the Communist Party. But it is not aimed at the Communists alone. Its broad target is the Constitution, the labor movement and the Negro people, and the growing people's movement of resistance to the Wall Street drive toward fascism and a third world war.

That is why it was opposed in Congress by broad forces which included the American Federation of Labor, the Congress of Industrial Organizations, the Railroad Brotherhoods, and many independent unions; the National Association for the Advancement of Colored People, the American Jewish Congress, the American Civil Liberties Union, Americans for Democratic Action, the American Veterans Committee, the National Farmers Union, the Women's International League for Peace and Freedom, the Association of the Bar of the City of New York, the National Lawyers Guild, Governor Bonner of Montana, Governor Johnson of Colorado; the noted constitutional authorities Professor Zechariah Chafee of Harvard, Professor Fowler Harper of Yale, and Professor Emeritus William Gorham Rice of Wisconsin; such distinguished citizens as Chancellor Robert M. Hutchins of the University of Chicago and Councilman Stanley M. Isaacs of New York; religious groups like the Episcopal League for Social Action and the Friends (Quakers) Committee on National Legislation; Bishop Francis Hass of Grand Rapids, Michigan and many others. More than 20 major newspapers, and thousands of local groups, condemned this measure.

The nationwide movement which opposed the Act at the time of its passage has grown and will continue to grow. For this war measure was pushed through Congress at a

time when the Korean war hysteria was at fever pitch, and before broad sections of the American people had learned from experience that it is an unjust and unnecessary war entailing heavy sacrifice and threatening our country and the world with atomic catastrophe.

The Communist Party reaffirms its faith that the American people will build an invincible united front of resistance to those who are driving our nation toward fascism and a third world war.

We confidently predict that the Act will be repudiated, as the Alien and Sedition Acts and the Fugitive Slave Act were nullified by the popular will.

We reaffirm our allegiance to the American working class which gave birth to the Communist Party, to the American people and the nation whose interests we have served and will continue to serve under any and all conditions.

We unqualifiedly deny the Attorney General's slanders, and assert that the Communist Party and Americans of all political affiliation have the right and the duty to organize in defense of peace and the Bill of Rights.

Whatever may be the decision of this illegally constituted Board, we have no doubt that the American workers and common people—Negro and white—will follow the precept of Thomas Jefferson and join their forces to guarantee that "we shall see the reign of the witches pass over, and the people recovering their true right."

THE COMMUNIST PARTY OF THE UNITED STATES  
by GUS HALL

202

## VERIFICATION

State of New York }  
County of New York } ss.

Gus Hall, being duly sworn, deposes and says: I am the National Secretary of the Communist Party of the United States and I subscribed to the foregoing amended answer on its behalf. I have read the foregoing amended answer and know the contents thereof. The matters alleged therein

are based on information and belief, and I believe them to be true.

GUS HALL

Subscribed and sworn to before  
me this 31 day of March, 1951.

CARL BRODSKY  
*Notary Public*

CARL BRODSKY  
Notary Public, State of New York  
No. 31-0428950

Qualified in New York County  
Certificates filed in the following offices:  
County Clerk; New York County  
Register; New York County  
Commission Expires March 30, 1953

318

(Filed November 20, 1951)

**Motion for the Disqualification of Dr. Kathryn McHale**

The respondent, by its counsel, moves that Dr. Kathryn McHale be disqualified from any further participation in the proceeding against the respondent. In support of this motion, the respondent has filed the accompanying affidavit of bias and prejudice executed on its behalf by one of its counsel, John J. Abt.

VITO MARCANONIO

JOHN J. ABT

JOSEPH FORER

*Attorneys for the Respondent*

319

(Filed November 20, 1951)

**Affidavit of Bias and Prejudice**

DISTRICT OF COLUMBIA, ss:

John J. Abt, being first duly sworn, deposes and says:

1. I am one of the attorneys for the respondent in the above-entitled proceeding. I make this affidavit for and on

behalf of the respondent. This affidavit is made pursuant to Section 7 of the Administrative Procedure Act, 5 U. S. Code sec. 1006.

2. Dr. Kathryn McHale, a member of the Subversive Activities Control Board and a member of the panel which is conducting the hearing in the above-entitled case, has a personal bias and prejudice against the respondent and in favor of the petitioner. Facts and reasons for the belief that such bias and prejudice exist are set forth in paragraphs 3, 4, 5, 6, and 7 hereof. The statements in paragraphs 3, 4, 5, 6, and 7 are made on information and belief, derived from newspaper accounts of the speech of Dr. McHale referred to in such paragraphs and from what purported to be a copy of said speech.

3. On November 15, 1951, Dr. McHale made a speech in Washington, D. C. at a luncheon of the Woman's National Democratic Club. In this speech, she discussed, among other things, the proceeding against the respondent now pending before her. This in itself was a gross impropriety which, if indulged in by a judge or juror in a pending case would require a mistrial. The tenor of Dr. McHale's references to this proceeding, furthermore, was, in effect, that she and her listeners knew that the respondent is guilty of the charges made in the Attorney General's petition, and that the problem is only whether this known guilt can be established by evidence. "What the outcome will be," she said, "is any one's guess. But as an old recipe for  
320 rabbit stew goes, we must first catch the rabbit."

That is, Dr. McHale identified herself with the endeavor of the petition (the "hunter" of the "rabbit") to convict the respondent. Dr. McHale also stated that the hearings pending herein offer "an opportunity for a continuing education into the true nature of democracy." By this statement Dr. McHale implied that the respondent is guilty but that the "true nature of democracy" requires respondent nevertheless to be accorded a hearing.

4. Dr. McHale stated in her speech that the proceeding against the respondent "is a warning to joiners to stop,

look and listen before affiliating with any group." This remark obviously derives from a belief that the government's evidence has shown that the respondent is something to be warned against and has shown that it is an organization which people should hesitate to affiliate with. Furthermore, the remark indicates her belief that persons should be cautious about joining other organizations. Since other organizations can be proscribed under the McCarran Act only if the respondent is first proscribed, Dr. McHale obviously assumed that an order adverse to the respondent was as good as entered. In short, these remarks demonstrate that Dr. McHale has already come to a conclusion concerning the case even before the respondent has had an opportunity to introduce its evidence.

5. One of the issues being tried before the panel is the views and policies of the respondent toward Germany prior to and after the Soviet-German Non-Aggression Pact of 1939. The petitioner's witness on the stand at the time of Dr. McHale's speech testified on this subject. The petitioner seeks to prove that the respondent shifted its views and policies toward Germany upon the conclusion of this Pact, and that its doing so is evidence that the respondent is dominated and controlled by the Soviet Union. In her speech, Dr. McHale stated: "It was the Hitler-Stalin Pact that called attention to the American Communists switching from their previous position. The switch did not look like 'sympathy' to our Congress, but like direct control outside the U.S.A." Thus, Dr. McHale demonstrated a prejudgment of the question of whether a switch in policy had occurred and indicated her belief that the supposed switch was indicative of foreign control of the respondent.

6. Among the issues before the panel are whether the Soviet Union is attempting to overthrow existing governments by force, infiltration, and other means, and whether the Soviet Union and the "world Communist movement" represent a danger to the security of the United States.

Dr. McHale showed that she has prejudged these issues by stating in her speech:

"As 1947 came, things were happening fast. Before that, as long as Russia seemed powerless to hurt America, she was regarded as a remote danger. Then, instead, she continued to maintain and build a strong army; took over countries as Czechoslovakia, et al.; stepped up infiltration; blocked atomic control and inspection; etc. What was formerly regarded as a remote danger began to be regarded as an immediate one."

7. Dr. McHale also stated in her speech concerning the hearings pending before her: "... the Communist Party has seized every legal opportunity to inject postponement on legal technicalities, which has so far interfered with a continuous schedule of hearings." Obviously, the making of this criticism was improper. Furthermore, it is untrue. The criticism is particularly unjust because the hearings have been unduly prolonged by the acquiescence of the panel (including Dr. McHale as a member thereof) in the petitioner's endeavor to encumber the record with a great volume of irrelevant, cumulative and repetitious material.

JOHN J. ABT

Subscribed and sworn to before me this 19th day of November, 1951.

RAYMOND GODBERSEN

Notary Public

(SEAL)

### CERTIFICATE OF COUNSEL

I certify that the foregoing affidavit is made in good faith.

JOHN J. ABT

322 **Opinion and Order of the Board Denying Respondent's Motion for the Disqualification of Dr. Kathryn McHale**

On November 20, 1951, Respondent, by its counsel, moved that Dr. Kathryn McHale, a Member of the Board and of

its Hearing Panel in the above-entitled proceedings, be disqualified from any further participation therein, and in support of such motion has submitted an affidavit of alleged personal bias and prejudice executed by one of its counsel.

The affidavit, in substance, charges on information and belief, that such personal bias and prejudice against the Respondent is shown by a speech delivered by Board Member McHale on November 15, 1951 at a luncheon of the Women's National Democratic Club in Washington, D. C.

Dr. McHale has furnished a copy of her speech as it was presented at the aforesaid luncheon to the other Members of the Board.<sup>1</sup> For the reasons hereinafter mentioned, we find nothing in the speech which in our opinion supports a charge that she has prejudged the issues in the pending proceedings or is personally biased or prejudiced against Respondent.

In *Hurd v. Letts*, 80 App. D. C. 233, 152 F. 2d 121 (1945), the Court stated the well-established rule that a sufficient affidavit of bias and prejudice must state facts and reasons tending to show personal bias and prejudice regarding the case pending and must give support to the charge of a mental inclination that may prevent or impede impartiality of judgment. However, nothing in Respondent's affidavit or Dr. McHale's speech satisfies the requirements of this rule.

In *United States v. Dennis*, 183 F. 2d 201 (C.C.A. 2, 1950) affd. 341 U. S. 494, commonly known as the trial of the eleven Communists, it was charged that a juror should be withdrawn because he had made a speech in which he had said, "We are already fighting a war with Communism and it should be a fight to the death." Nevertheless, the 323 Court of Appeals stated that such a declaration by the juror was insufficient to disqualify him. See also *Federal Trade Commission v. Cement Institute*, 333 U. S. 683, 400-703 (1948).

Dr. McHale's speech taken as a whole consists of nothing more than a brief reference to: (1) the history of the Sub-

<sup>1</sup> A true copy of which is hereto annexed.

versive Activities Control Act; (2) the purpose of the Board as provided for in such Act; (3) a summarization of the registration provisions; and (4) a concise resume of the contents of the Attorney General's petition in these proceedings. In our opinion, this speech fails to indicate bias, prejudice or prejudgment.

Respondent's affidavit consists of extracting expressions from Dr. McHale's speech and importing to them a meaning which, in our opinion, is unjustified when such words are read in the context of the speech as a whole. Significantly Respondent fails to note the language of the speech where, in briefly summarizing the subject of the Act, Dr. McHale stated, "The requirement is to strike at Communist conspiracy, if it exists, without tearing the fabric of the Constitution which protects us all. Freedom for discussion, for criticism, for new ideas has been basic in our system."

Again, in discussing the action required of the Board by the Act upon the filing against an organization of a petition of the Attorney General, she said, "\* \* \* the Board holds hearing on facts and will finally issue an order of requirement based upon the preponderance of the evidence, if such exists. The Board examines witnesses, documentary evidence, etc., to determine its findings in each case."

Under the circumstances, we do not believe it necessary to discuss in detail those parts of the speech which taken out of context are relied upon by Respondent.

For the reasons stated above, Respondent's motion should be and hereby is denied. It is so ordered.

By direction of the Board.

PETER CAMPBELL BROWN  
*Acting Chairman*

(SEAL)

Dated: December 4th, 1951  
Washington, D. C.

As I sat here listening to the eloquent introduction of your Chairman, there was just one little doubt that crossed my mind. It occurred to me that if I were really as smart as the Chairman says I am, I would never have let the Committee talk me into making this speech.

The Internal Security Act of 1950, sometimes called the McCarran Act or the anti-Communist law, is one of the least understood laws in the history of the republic. Yet, it is highly important that Americans understand it, since it involves (1) our national safety and (2) our individual liberties.

On September 20, 1950, the law was passed overwhelmingly by the House and the Senate. The President vetoed it two days later. Only ten per cent of each house supported his veto. No matter what critics may say, it is the law of the land. It is something new under the sun. It is a complex law, designed to deal with what Congress contends is a clear and immediate danger. All Americans must make a continuing effort at better understanding. We are told by law analysts that the final decision on cases under this Act will be foremost in the legal archives of the future.

Now that you have had some strong coffee, let us take a brief glance at the law itself. It is about 25,000 words in length. It took thirty months to draft this legislation, in other words, it was not hastily drawn. The requirement is to strike at Communist conspiracy, if it exists, without tearing the fabric of the Constitution which protects us all. Freedom for discussion, for criticism, for new ideas has been basic in our system. The Constitution itself provides for change, when and if enough people desire it.

There has been a Communist Party in the United States since World War I; it is only in the last ten years that Congress has been concerned, and only in the last three or four years that the problem, to them, has become an urgent one. It was the Hitler-Stalin Pact that called attention to the American Communists switching from their previous

position. The switch did not look like "sympathy" to our Congress, but like direct control outside the U.S.A. Congress passed the Smith Act in 1940, making it a crime to advocate the overthrow of government by force and violence. Before this Act could get a tryout, however, we were fighting on Soviet Russia's side against Hitler. They were our allies. And optimistic Americans seemed serene and friendly about our relationship. They hoped that the Soviet would reciprocate the friendliness of the war years and that we could concert all energies to peaceful reconstruction. You know what happened, of course. As 1947 came, things were happening fast. Before that, as long as Russia seemed powerless to hurt America, she was regarded as a remote danger. Then, instead, she continued to  
 325 maintain and build a strong army; took over countries as Czechoslovakia, et al.; stepped up infiltration; blocked atomic control and inspection; etc. What was formerly regarded as a remote danger began to be regarded as an immediate one. So the Congress initiated and finally produced the Internal Security Act of 1950.

Exercising their Constitutional rights, the Congress declared: "There exists a world Communist movement" which they set out in fifteen statements in describing the necessity to enact legislation to meet a "clear and present danger" to the security of the U. S. A.

It is about only one part of this legislation that I want to talk to you today, namely the registration feature. The law required registration with the Attorney General within thirty days after its passage, of certain groups and individuals described in the Act; it also required the submission of annual reports by such groups and individuals and other data as specified in the law. No one registered.

Under the Act, the Subversive Activities Control Board was set up, with the duty of determining whether any organization is a "Communist-action organization" or a "Communist-front organization" within the definitions set out in the law. Therefore, upon application made by the

Attorney General that an organization or an individual so designated which has not done so, should register, the Board holds hearings on facts and will finally issue an order of requirement based upon the preponderance of the evidence, if such exists. The Board examines witnesses, documentary evidence, etc., to determine its findings in each case.

To date, the Attorney General has submitted only one petition to the Board, one concerning the Communist Party of the U. S. A. In it, he petitions the Board for an order, after appropriate proceedings, directing the Communist Party of the U. S. A. to register with the Attorney General as a Communist-action organization. In the petition, the Attorney General makes some sixty-six separate allegations which he contends show that the Communist Party of the U. S. A. is indeed a Communist-action organization, and which he believes show:

1. History and foundation of the Communist Party of the U. S. A.
2. Direction and control of the Communist Party by a world Communist movement.
3. Non-deviation of the Communist Party from policies of foreign powers.
4. Financial aid to the Communist Party of the U. S. A. from foreign powers.
5. Reporting of the Communist Party of the U. S. A. to foreign powers; training of Communist Party members abroad.
- 326 6. Recognition of disciplinary power of foreign Communist leaders.
7. Clandestine practices of the Communist Party.
8. Allegiance to the United States as subordinate to the Soviet Union as the fatherland.

As of November 1, the Attorney General has already presented 354 exhibits to be considered by the Board and the Communist Party has presented 26. The testimony up

to that time had consumed 6,775 pages of transcript, fourteen witnesses having been called by the government.

The findings of the Board as to the facts, in this as well as in any other cases which may be presented to the Board, determines the status of the organization or individual. Such decision of the Board is subject to review by the courts, however.

If a finding is made against an organization or an individual, it must register; in registering, Foreign control is admitted; then the membership, literature and broadcasts of any such group will be labeled, its financing revealed, etc. Refusal to register under the Act carries certain penalties: imprisonment and/or fine. The alternative to these is that of evasion which has to be faced too.

Whatever happens, here is an opportunity for a continuing education into the true nature of democracy. It is a warning to joiners to stop, look and listen before affiliating with any group. What the outcome will be is anyone's guess. But as an old recipe for rabbit stew goes, we must first catch the rabbit.

You are cordially invited to all hearings, which are open to the public. They will prove a revelation to you of your responsibility in national security. They are held from Monday through Thursday on the first floor of the Lafayette Building at 811 Vermont Avenue from 10 a.m. to 12:15 M and from 2:00 p.m. to 4:15 p.m. Call to be sure there is no recess the day you want to come, for the Communist Party has seized every legal opportunity to inject postponement on legal technicalities, which has so far interfered with a continuous schedule of hearings.

860

(Filed November 24, 1952)

**Motion to Disqualify Board Chairman Peter Campbell Brown**

The Respondent moves that Board Chairman Peter Campbell Brown be disqualified from participating further

in this proceeding. In support of this motion there is attached hereto an affidavit of bias and prejudice.

Respondent requests oral argument on this.

VITO MARCANTONIO  
Vito Marcantonio

JOHN J. ABT  
John Abt

JOSEPH FORER  
Joseph Forer

*Attorneys for Respondent.*

361

**Affidavit of Bias and Prejudice**

STATE OF NEW YORK }  
COUNTY OF NEW YORK } ss:

Joseph Forer, being first duly sworn, deposes and says:

1. I am one of the counsel for Respondent in the pending proceeding before the Subversive Activities Control Board.

2. In my opinion, Peter Campbell Brown, chairman of the Board, has exhibited bias and prejudice against Respondent and in favor of Petitioner.

3. As a basis for this opinion, I state the following matters on information and belief.

A. On November 16, 1952, Mr. Brown participated in a television program known as "Georgetown University Forum", on the subject, "United States Government v. Communist Party." The moderator of this discussion was one Frank Blair. The other participants in the discussion were George R. Gallagher, General Counsel of the Board, and one Edward Bennett Williams. On the same day, the same persons participated in a radio program with the same title and along the same lines.

B. Mr. Gallagher was the principal draftsman of the Recommended Decision of the Panel. He headed and in-

structed the staff of the Board which prepared drafts thereof for submission to the Panel, consulted with the Panel on the drafts, and was responsible for making required changes to meet the wishes of the Panel and for producing the final draft.

C. The theme of the television and radio programs, supported by all the participants therein, was that the Respondent herein is a subversive agent of the Soviet Union, and that the Panel had done a great job by officially labelling the Respondent as such an organization. In the course of the televised discussion, Mr. Brown stated, among other things: that there had been a definite showing made against Respondent on each of the eight criteria established by the Act for the determination of a Communist Action organization; that the Act defined a Communist-front organization as one controlled by the Communist Party; that he assumed that it would be the Respondent which would appeal the order which the full Board would enter 862 in this proceeding; that the Panel's contribution was that it had for the first time caused the respondent to be labelled for "what it really is", an instrumentality of a foreign government; that the Respondent had never deviated in its positions from the positions of the Soviet Union; that Gitlow, a witness in this proceeding, has been expelled from Respondent by order of Stalin.

D. In the course of the televised discussion, Mr. Gallagher stated, among other things, that the greatest domestic threat is the existence of the Communist Party; and that the proceeding before the Panel debunked Respondent's "pose" as a political Party and proved it to be an instrument of the Soviet Union.

E. Throughout the televised program, Mr. Blair and Mr. Williams made comments hostile to the Respondent.

JOSEPH FORER  
Joseph Forer

Subscribed and sworn to before me this 19th day of  
November, 1952.

BETTY WEINMAN  
*Notary Public*

Betty Weinman  
Notary Public, State of New York  
No. 31-9580050

Qualified in New York County  
Ct. filed with City Reg. N. Y. County  
Commission Expires March 30, 1954.

863

(Filed November 24, 1952)

**Motion to Re-open Hearing Before Panel**

The Respondent moves that the Board direct that the hearing before the Panel be reopened, for the following purposes:

1. In order to permit Respondent to introduce evidence to prove:

(a) That Petitioner's witnesses, Mary Stalcup Markward, William Garfield Cummings, and Bereniece Baldwin, testified falsely and perjurally in the proceedings herein in answering questions as to whether they had been paid for their services as informers and as to the amount of such payments.

(b) That such false and perjurious testimony was known by the Petitioner, the Attorney General of the United States, to be false and perjurious.

2. In order to permit Respondent to examine the named witnesses, and employees of the Petitioner, to ascertain whether these witnesses had been instructed by Petitioner or his agents to give false testimony in other respects as well, and whether they did so.

3. In order to permit Respondent to obtain, by subpoena or by order of the Panel, the records of the Petitioner with

regard to the amounts paid by, or at the direction of Petitioner to each of Petitioner's witnesses.

If the foregoing is denied, then Respondent moves that the testimony of the three named witnesses be stricken.

In support of, and for the grounds of, this motion, Respondent refers to the annexed affidavit of John J. Abt, its counsel. Respondent requests oral argument on this motion.

VITO MARCANTONIO  
Vito Marcantonio

JOHN J. ABT  
John J. Abt

JOSEPH FORER  
Joseph Forer

*Attorneys for Respondent.*

Office Executive Secretary Received Nov. 24, 1952 10:20  
A. M. Subversive Activities Control Board — Registered  
Article 384688

864 **Affidavit in Support of Motion to Re-open Hearing**

CITY OF NEW YORK  
STATE OF NEW YORK } ss:  
COUNTY OF NEW YORK }

JOHN J. ABT, being first duly sworn, deposes and says:

1. I am one of Respondent's counsel in the proceeding pending before the Subversive Activities Control Board.

2. On or about November 14th, 1952, I learned that the United States government had stipulated in the pending New York Smith Act trial, U. S. v. Flynn, et al. (C. 136-7), United States District Court for the Southern District of New York, as to the payments made by the Federal Bureau of Investigation to certain persons for their services and expenses in spying on the Communist Party of the United States; the Respondent herein.

3. I have examined the aforesaid stipulation. It is dated November 12th, 1952, and lists the payments made to September 10th, 1952.

4. Mary Stalcup Markward was a witness for the Petitioner in the proceeding herein. She had been, according to her testimony, a plant in the Respondent for the F. B. I. She testified that she had not been paid any salary by the F. B. I. and that the only money she received from the F. B. I. was reimbursement for expenses such as paying dues, making contributions, buying literature, "and other incidental things." She testified that none of her activity for the government was contingent upon receipt of any money, and that she volunteered to be a spy "without remuneration of any kind". She testified that the expense payments were received by her in irregular amounts at irregular times. When asked how long she had worked for the F. B. I., she testified that she "was engaged in this activity from May of 1943 until October of 1949." She also testified that she could not state how much money she had received from the F. B. I. She also testified that she had made no formal financial arrangements with the F. B. I., and that the payments made to her were made at the initiative of the F. B. I. (Tr. 5841-5842, 5955-5958).

5. The aforesaid stipulation lists payments to Markward as follows:

| Year    | Paid for Services | Paid for Expenses |
|---------|-------------------|-------------------|
| 1943    | \$ 507.95         | \$ 2.00           |
| 1944    | 1,646.00          | 50.00             |
| 1945    | 2,660.00          |                   |
| 1946    | 4,450.00          |                   |
| 1947    | 4,885.00          |                   |
| 1948    | 4,605.50          |                   |
| 1949    | 3,875.00          |                   |
| 1950    | 450.00            |                   |
| 1951    | 450.00            | 45.00             |
| 1952    | 350.00            | 50.00             |
| TOTALS: | \$23,829.45       | \$147.00          |

866

10. A copy of the aforesaid stipulation is attached hereto.

JOHN J. ABT  
John J. Abt

Subscribed and sworn to before me this 20th day of November, 1952.

Betty Weinman  
Notary Public

BETTY WEINMAN  
Notary Public, State of New York  
No. 31-9580050

Qualified in New York County  
Cert. filed with City Reg. N. Y. County  
Commission Expires March 30, 1954.

867

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ELIZABETH GURLEY FLYNN, et al., *Defendants.*

### Stipulation

C-136-7

The defendants herein have heretofore caused to be issued and served upon the Attorney General of the United States a subpoena duces tecum requiring the production of all vouchers, receipts, cancelled checks and other records showing all payments ever made by the Department of Justice or any of its constituent divisions and bureaus to the following individuals: *Louis Francis Budenz, John Lautner, Harvey Matusow, Bereniece Baldwin, Louis Rösser, Charles W. Nicodemus, Ralph Vernon Long, Mary Staleup Markward, William G. Cummings, Thomas Aaron*

*Younglove*; and all records showing the date, place, amount of such payments, the reasons for and purposes of such payments; the nature of the services compensated for by such payments; and where payments were made as compensation for expenses, all records describing said expenses.

In lieu of the production of the aforesaid records, the prosecution has supplied to the defendants, and the defendants have accepted, certain data concerning payments to each of the persons above named. The prosecution represents that said data, which are incorporated in the figures hereinafter set forth, accurately state the facts concerning all the payments made up to and including September 868 10 1952 to each of said persons, the amount, date and purpose thereof, except that the prosecution has not caused a search to be made of records of payments by United States Marshals in all districts to each of the persons above named. The prosecution represents that the figures hereinafter set forth include all payments of which it has knowledge made by United States Marshals to the aforesaid persons.

In consideration of the foregoing, and upon the data submitted by the prosecution, and in order to facilitate the progress of the trial,

IT IS STIPULATED by and among the defendants and the prosecution as follows:

# I.

That if the appropriate officer of the Federal Bureau of Investigation were to produce the records of that Bureau described in the above subpoena, and were to be called and sworn as a witness for the defendants in this trial, he would testify that the Federal Bureau of Investigation has paid to the witnesses for the prosecution in this case up to and including September 10, 1952 the sums set out below after the names of each, and for the years indicated, and that such payments were made for services performed and

expenses incurred by such witnesses in furnishing information to the Federal Bureau of Investigation concerning the Communist Party or its activities or members, or the defendants herein, or some of them.

869 Mary Stalcup Markward

| Year        | Services           | Expenses        | Total              |
|-------------|--------------------|-----------------|--------------------|
| 1943        | \$ 507.95          | \$ 2.00         | \$ 509.95          |
| 1944        | 1,646.00           | 50.00           | 1,696.00           |
| 1945        | 2,660.00           |                 | 2,660.00           |
| 1946        | 4,450.00           |                 | 4,450.00           |
| 1947        | 4,885.00           |                 | 4,885.00           |
| 1948        | 4,605.50           |                 | 4,605.50           |
| 1949        | 3,875.00           |                 | 3,875.00           |
| 1950        | 450.00             |                 | 450.00             |
| 1951        | 450.00             | 45.00           | 495.00             |
| 1952        | 350.00             | 50.00           | 400.00             |
| Grand Total | <u>\$23,879.45</u> | <u>\$147.00</u> | <u>\$24,026.45</u> |

870

II.

That if the appropriate officer of the Department of Justice were to produce the records of that Department described in the above subpoena, and were to be called and sworn as a witness for the defendants in this trial, he would testify that the Department of Justice (exclusive of the Federal Bureau of Investigation) has paid to the witnesses for the prosecution in this case up to and including September 10, 1952, the sums set out below after the names of each, and for the years indicated, and that such payments were made in connection with witness fees, transportation, per diem, furnishing information and consultation with respect to testimony in this and other cases involving the Communist Party or its activities or members, or the defendants herein, or some of them.

|  | Witness<br>Fees | Tran's and<br>Per Diem | Total           |
|--|-----------------|------------------------|-----------------|
| 871 Mary Stalcup Markward                      |                 |                        |                 |
| Other Cases (9 days at \$25;<br>7 days at \$4) | \$253.00        | \$ 6.58                | \$259.58        |
| This case (11 days at \$4)                     | 44.00           | 145.48                 | 189.48          |
| Grand Total                                    | <u>\$297.00</u> | <u>\$152.06</u>        | <u>\$449.06</u> |

872 The defendants shall not be precluded by the making of this stipulation from showing that any of the individuals named herein as a recipient of payments from the Department of Justice received other or different payments from those recited in this stipulation, but nothing herein contained shall be construed as an admission

873 on the part of the prosecution of the defendants' right to offer such evidence.

Dated: New York, N.Y., November 12, 1952.

/s/ MYLES J. LANE per D.L.M.  
Myles J. Lane, United States  
Attorney for the Southern  
District of New York.  
Attorney for United States  
of America.

/s/ ELIZABETH GURLEY FLYNN  
Elizabeth Gurley Flynn,  
Attorney pro se.

/s/ PETTIS PERRY  
Pettis Perry,  
Attorney pro se.

/s/ MARY M. KAUFMAN  
Mary M. Kaufman,  
Attorney for defendants  
Betty Gannett, Louis  
Weinstock.

/s/ FRANK SERRI

Frank Serri,

Attorney for defendants

Albert F. Lannon, Alexander

Trachtenberg, William W.

Weinstone.

/s/ JAMES T. WRIGHT

James T. Wright, Attorney for  
defendants George Blake

Charney, Arnold S. Johnson.

/s/ JOHN T. McTERNAN

John T. McTernan,

Attorney for defendants

Alexander Bittleman, Victor

J. Jerome, Claudia Jones,

Jacob Mindel.

893

**Affidavit of Peter Campbell Brown**DISTRICT OF COLUMBIA }  
CITY OF WASHINGTON } ss.

PETER CAMPBELL BROWN, being first duly sworn, deposes and says:

1. I am Chairman of the Subversive Activities Control Board and was presiding member of the Hearing Panel in the above entitled proceeding.

2. On November 16, 1952, I participated as a guest in unrehearsed television and radio programs known as "The Georgetown University Forum". The other participants thereon were Messrs. Frank Blair, moderator, George R. Gallagher and Edward Bennett Williams. The questions asked of me were not known by me in advance.

3. My appearance on the aforesaid programs was subsequent to the issuance by the aforesaid Hearing Panel of its findings of fact and recommended decision in the above entitled proceeding, which is a part of the official public

record therein. In these findings of fact and recommended decision, the aforesaid Hearing Panel found upon the basis of the completed evidence adduced before it that the above entitled Respondent is a Communist-action organization as defined in the Internal Security Act of 1950 and recommended that the aforementioned Board enter an appropriate order requiring the respondent to register as such with the Attorney General of the United States.

4. During the aforesaid television program, I summarized briefly those provisions of the aforesaid Act which are administered by the Board, the functions of the Board, the issues in the above entitled proceeding and related concisely several of the findings contained in the aforesaid recommended decision which the Hearing Panel, consisting of my colleague and myself, had issued previously to the parties in the above entitled proceeding.

5. I did not state that the Panel had done a "great job" in any respect nor that the aforementioned respondent is a "subversive agent" of the Soviet Union.

6. Consonant with the findings set forth in the recommended decision, I stated that in the above entitled proceeding petitioner had made a definite showing under each of the eight criteria provided in the aforesaid Act for determination of a Communist-action organization.

894 7. In relating the definition in the aforesaid Act of a Communist-front organization I utilized inadvertently the term "Communist Party" instead of "Communist-action organization".

8. In answer to a question as to whether the aforesaid respondent would appeal the decision in the above entitled proceeding, I stated my belief that this would be done if the decision of the Board were adverse to the aforesaid respondent; that I would assume that the respondent would appeal although I could at no time speak for the other members of the Board as the decision in the above entitled proceeding was not final. This opinion was based upon the

evidence which had been adduced before me during the hearing, and the Hearing Panel's findings thereon.

9. In referring to the Hearing Panel's findings of fact and recommended decision, I stated, in essence, that it is the first time that the aforementioned respondent had been labeled for what it is, an instrumentality of a foreign government. In effect, omitting the words "first time", this was the conclusion of the Hearing Panel in its findings and recommended decision.

10. In alluding to specific findings in the recommended decision I related, in accordance with such findings, that respondent had not deviated in its positions from those of the Soviet Union and that the witness Gitlow had been expelled from respondent by order of Stalin.

11. I stated specifically during the aforementioned programs that I could not speak for the Board as to the ultimate decision in the aforementioned proceeding.

12. Such statements of fact as were made by me during the aforementioned programs were based upon the aforesaid Act and the findings and conclusions made by my colleague and myself in the recommended decision.

13. My sole interest and concern at all times in the above entitled proceeding has been and will be to decide each matter on its merits and in accordance with the standards set forth in the statutes and regulations governing the conduct and decisions of the aforementioned Board. This I have done and will continue to do.

PETER CAMPBELL BROWN

Peter Campbell Brown

Sworn and subscribed to before me this 16th day of December, 1952.

ELLEN C. DONAHAY,

(Seal)

Notary Public, D. C.

My Commission expires July 31, 1956.

902      **Memorandum Opinion and Order of the Board**

Respondent has filed various motions: to disqualify Board Chairman Brown; to defer decision until a fifth member can participate; to re-open the hearing; and to strike the recommended decision.

Petitioner filed a memorandum in opposition to said motions. Oral argument on the motions took place before the Board on December 19, 1952.

We examine first the motion to disqualify Chairman Brown, which is supported by an affidavit of bias and prejudice executed by Joseph Forer, Esq., of counsel to respondent in this proceeding. The charges of bias and prejudice are, essentially, that subsequent to the recommended decision in this proceeding, i.e., on November 16, 1952, Chairman Brown participated in television and radio programs known as "The Georgetown University Forum"; that among the other three participants thereon was the Board's General Counsel; that during the television program certain statements, which are set forth in the affidavit of Mr. Forer, were made by Chairman Brown and by the General Counsel to the Board; and that these statements reveal a bias and prejudice by Chairman Brown in favor of petitioner and against respondent.

Chairman Brown has voluntarily submitted to the Board his affidavit in response to Mr. Forer's affidavit. By Board action dated December 16, 1952, this was made a part of the record in this proceeding. It was served upon both parties prior to the oral argument on these motions. No objection thereto was interposed by either of the parties.

Chairman Brown, individually, and the Board,  
903      with Chairman Brown not participating therein,  
have considered the motion and will rule thereon separately.

Upon due consideration of this motion and the supporting affidavit, Chairman Brown deems himself not to be biased and prejudiced, as alleged, and finds himself not to

be disqualified from further participation in this proceeding.

It is the Board's opinion, with Chairman Brown not participating, that the allegations in respondent's affidavit fall far short of establishing personal bias or prejudice or any other ground of disqualification recognized by law. It is noted that the aforesaid program took place subsequent to the issuance by Chairman Brown and his colleague on the hearing panel, Member McHale, of their recommended decision in this proceeding. It is clear, that any statements made by an employee of the Board, such as those alleged by respondent herein, cannot serve to impute personal bias or prejudice to a Board member nor be utilized as a basis for the member's disqualification. Respondent's affidavit is legally insufficient to serve as the basis for the disqualification of Chairman Brown.

We have, in addition, examined the affidavit of Chairman Brown and as a result thereof, we find him not to be biased and prejudiced, as alleged.

We turn now to respondent's motion to defer decision until a fifth board member can participate therein.

This motion is based upon these grounds: (1) there is presently a vacancy on this Board, the full complement of which is five; (2) two members of the Board sat on the hearing panel in this proceeding and issued the recommended decision; and these same two members have "exhibited bias and prejudice, a prejudgment of the case and an inability or indisposition to adjudicate the case fairly". In support of this motion respondent refers to its exceptions to the recommended decision, its brief in support of such exceptions and the affidavits of bias and prejudice filed in this proceeding against Chairman Brown and Member McHale.

904. The Board previously disposed of respondent's motion to disqualify Member McHale on December 4, 1951, by ruling that Member McHale had not exhibited bias and prejudice and was therefore not disqualified. On

this date the Board has ruled to the same effect as to Chairman Brown. Consequently, we believe this motion to defer decision until a fifth board member can participate is without merit and should be denied.

Ruling is reserved on respondent's motions to re-open the hearing and to strike the recommended decision pending oral argument on the exceptions to the recommended decision and a review by the Board of the entire proceeding.

IT IS THEREFORE ORDERED that respondent's motions to disqualify Chairman Brown and to defer decision until a fifth member can participate be, and they hereby are, denied; and it is

FURTHER ORDERED that, pursuant to respondent's request for oral argument on the exceptions to the recommended decision in this proceeding, such argument will be heard by the Board on January 5, 1953, at 10 o'clock A. M. in Room 113, Lafayette Building, 811 Vermont Avenue, N. W., Washington 25, D. C.

By direction of the Board.

PETER CAMPBELL BROWN

Peter Campbell Brown  
*Chairman*

Dated: December 23, 1952

## 920 Memorandum Opinion and Order of the Board

On November 24, 1952, respondent filed various motions: to strike the recommended decision; to reopen the hearing; to disqualify Board Chairman Brown; and to defer decision until a fifth member can participate. We denied the last two motions by order dated December 23, 1952. In the same Order of the Board, we reserved decision on the motions to strike the recommended decision and to reopen the hearing pending oral argument on the exceptions to the recommended decision and a review by the Board of the record. Oral argument on the exceptions took place on January 7, 1953, and upon review of the entire record in

this proceeding we now consider respondent's pending motions, which remain for decision.

We examine first the motion to strike the recommended decision, which contends that: (1) it does not fulfill the functions required of a recommended decision; (2) it rests on erroneous and illegal premises; (3) it was issued by a Panel of which both members are disqualified by reason of bias and prejudice and affidavits of bias and prejudice; and (4) its principal draftsman, the General Counsel of the Board, has exhibited bias and prejudice against respondent.

Grounds (3) and (4), which were incorporated in other motions by respondent, have previously been found by the Board to be without merit in its Orders dated December 4, 1951 and December 23, 1952. Concerning the remaining grounds, it is our opinion upon a review of the record in this proceeding that the recommended decision adequately fulfills its function. The Board's decision will constitute independent findings and conclusions on the issues in the proceeding upon full review of the entire record, including respondent's exceptions to the recommended  
921, decision. Consequently, we need not discuss herein the "premises" on which the recommended decision rests.

We believe the motion to strike the recommended decision is without merit and should be denied.

We turn now to the motion to reopen the hearing for the following purposes asserted by respondent:

(1) In order to permit respondent to introduce evidence to prove: (a) that petitioner's witnesses, Mary Stalcup Markward, William Garfield Cummings, and Bereniece Baldwin, testified falsely and perjurally in the proceedings herein in answering questions as to whether they had been paid for their services as informers and as to the amount of such payments; (b) that such false and perjurious testimony was known by the petitioner, the Attorney General of the United States, to be false and perjurious.

(2) In order to permit respondent to examine the named witnesses, and employees of the petitioner, to ascertain whether these witnesses had been instructed by petitioner or his agents to give false testimony in other respects as well, and whether they did so.

(3) In order to permit respondent to obtain, by subpoena or by order of the Panel, the records of the petitioner with regard to the amounts paid by or at the direction of petitioner to each of petitioner's witnesses.

Respondent supports this motion with an accompanying affidavit of John J. Abt, attorney for respondent in this proceeding, to which is attached a copy of a stipulation entered into between the Government and defendants in *United States v. Elizabeth Gurley Flynn, et al*, in the United States District Court for the Southern District of New York. Respondent also moves that the testimony of witnesses Baldwin, Cummings and Markward be stricken in the event the motion to reopen the hearing is denied.

Stated briefly, respondent asserts that petitioner's witnesses Cummings, Baldwin and Markward gave false testimony in this proceeding in testifying concerning whether they had been paid for their services as informants for the Government of the United States and as to the amount of such payments. In support of this assertion

respondent refers to the aforementioned stipulation, 922 in which there is contained a yearly breakdown of money paid to these three witnesses by the Government of the United States for "services" and "expenses" in supplying information concerning respondent's activities to the Government over a period of several years.

We have reviewed the testimony of these three witnesses in this proceeding in the light of the whole record and with due consideration to respondent's contentions and supporting documents. The testimony of witnesses Cummings and Baldwin cannot reasonably be said to be at variance with the information contained in the aforementioned stipulation.

As to the witness Markward, she stated on direct examination that she had received money from the Government in connection with her activities as an informant for the Federal Bureau of Investigation while performing as a functionary of respondent, but did not consider that she had been paid a salary by the Government. She stated that the money received was for the purpose of paying dues in the respondent organization, transportation to Washington, D. C. (from her home in Chesterbrook, Virginia), making contributions, buying "literature, "that type of thing, and other incidental things". On cross-examination, she stated, in essence, that she received money from the Federal Bureau of Investigation in the form of reimbursement of expenses incurred in her activities on behalf of the Government over a period of several years; and that she did not recall the amounts received yearly.

The aforementioned stipulation contains the aggregate sum of \$147 under the heading of "expenses" received by the witness Markward from the Government for the years 1943 to 1952, inclusive. It is apparent to the Board that her transportation from her home to Washington, D. C., where she performed as a functionary of respondent, at the allowed government rate of seven cents per mile would alone greatly exceed the sum of \$147 over those years. This excludes consideration of other expenses she must have incurred in connection with her activities on behalf of the Government.

Consequently, it is readily seen that the figure of \$147 under the heading "expenses" in the stipulation is not to be construed as being all-inclusive of the witness Markward's expenses when viewed in the context of  
923 her testimony in this proceeding.

In any event, such variance as may appear on the face of the record between her testimony in this proceeding and the stipulation attached to respondent's motion is in no sense material to petitioner's case when her whole testimony, which is largely cumulative and corroborative of

the testimony of other of petitioner's witnesses, is viewed in the light of the entire record. We conclude that a grant of respondent's motion would not affect the result of this proceeding. We also conclude that the pertinent portions of the testimony of the witness, when viewed in context, reveal no basis for respondent's charge of perjury. Respondent has made similar reckless charges against other of petitioner's witnesses throughout this proceeding.

It is readily apparent that respondent did not exercise due diligence in presenting these contentions to the Board. The witness made it clear from the outset of her testimony that she had received money from the Government while engaged in activities in its behalf. Yet, respondent did not attempt during the hearing to obtain the records of the Federal Bureau of Investigation with regard to payments to these witnesses as was done in *United States v. Elizabeth Gurley Flynn, et al.* wherein the aforementioned stipulation, upon which respondent now relies, was entered. Rather, respondent filed this motion to reopen the hearing almost five months after the testimony was concluded.

We therefore conclude that respondent's motion to reopen the hearing is without merit. *United States v. Marie L. Richardson*, U.S.D.C., D.C., Cr. No. 1645-51, January 16, 1953. We likewise find no adequate basis for granting respondent's alternative motion that the testimony of witnesses Baldwin, Cummings and Markward be stricken.

IT IS THEREFORE ORDERED that respondent's motions to strike the recommended decision, to reopen the hearing and to strike the testimony of the aforementioned witnesses be, and they hereby are, denied.

By direction of the Board.

PETER CAMPBELL BROWN  
Peter Campbell Brown  
Chairman

Dated: February 24, 1953  
Washington, D. C.

1673

# **EXCERPTS FROM TESTIMONY AND PROCEEDINGS**

**Benjamin Gitlow**

was called as a witness for and on behalf of the Government, and having been first duly sworn, was examined and testified as follows:

1674 Direct Examination

By Mr. Paisley:

1704 Q. During the time you were a member of the Executive Committee of the Communist Internationale and a member of its Presidium, were you a member of any other committees or organizations under the control of the Communist Internationale? A. Well, every Communist organization that I was a member of was controlled by the Communist Internationale.

Q. Well, did you hold any other office or position in any organization having its base of operations in Moscow? A. I did.

Q. What was that? A. That was the Red International of Trade Unions, known as the Profintern. I was a member of its Executive Committee in 1928 and 1929.

Q. And generally, what was the function of that organization? A. The function of that organization was to carry out, on a world scale, the trade union policies laid down by the Communist Internationale.

Q. Did you voluntarily resign from the Communist Party, or were you expelled, or just how did you happen to leave the Party? A. Well, I was expelled from the Communist Party in 1929 because of a difference with Joseph Stalin, on the question of the leadership of the American Communist Party.

Q. On how many occasions did you go to Moscow to confer with officials of the Communist Internationale? A. In 1927, in 1928 and in 1929.

Q. Have you had occasion, during that time to  
1706 meet and talk with Joe Stalin? A. I had. I spoke  
to Joe Stalin at length in 1927, and I had occasion to  
meet with him in 1929.

Q. Mr. Gitlow, my next questions are direct to the period  
of time, 1919 to 1929, and I ask you, first, to give the Board  
some idea as to the organizational structure of the Com-  
munist Party in the United States? A. The Communist  
Party in the United States was a Centralized Organization,  
ruled from the top down, and not from the bottom up.

Q. What power did the Communist Internationale  
1721 have over the organization in the United States?  
A. The Communist Internationale had full power over the  
Communist Party of the United States.

Q. At all times during your membership? A. At all  
times during my connection with the Communist Party.

Q. I hand you a series of membership cards, Mr.  
1729 Gitlow, in the Workers Party of America, for the  
year 1922 to 1924, 1925 and in the Workers Communist  
Party of America for 1926 and 1927.

1730 First, I will ask you to explain what was the dif-  
ference, if any, between the Workers Party of  
America, and Workers Communist Party of America? A. I  
will explain it.

Q. Then, I ask you if you can identify those cards? A. At  
the end of 1919, beginning of 1920, the Communist Party  
of the United States went underground, and was an under-  
ground organization.

Right after the Communist Party went underground, the  
party decided to carry on legal activities through another  
organization, presumably not a Communist Party, and for  
that purpose, the Workers Party was organized.

The Workers Party was organized by the Underground Communist Party, as the legal expression of the Communist Party in the United States; and this decision was made with the approval of the Communist Internationale at the time.

When the Communist Party felt that the Party could emerge from its underground existence and assume a legal existence per se, then the Workers Party, as such, was merged with the Communist Party, and the Workers Party became the Communist Party, the only Communist Party organization in the United States.

Later on, in order to bring about the transition from the name "Workers Party," to Communist Party, the name was changed to include in the middle of the title, in 1731 parentheses "Communist Party." So you had the Workers Communist Party.

And then, the Workers Party, the "Workers" was thrown out, and the name "Communist Party" remained. But the "Workers Party" was always a Communist Party organization.

Q. Were the legal and illegal organizations in being at the same time? A. They were in being at the same time, and in the Communist Party, which was the Underground Communist Party, which dominated both organizations, they were designated as the No. 1 and the No. 2 party, and the Communist Party, the Underground Communist Party, controlled all the affairs of the Workers Communist Party.

Q. Would you explain a little further, Mr. Gitlow, what you mean by legal and illegal party?

1732 The Witness: In Communist phraseology, the "legal party" means the party which is permitted to operate openly and above board, without any underground organization and set up.

"Illegal party" is that Communist Party which is completely underground, and carries on its organization on an underground basis.

By Mr. Paisley:

Q. That is, what you meant by the use of those terms?

A. That is right.

Mr. LaFollette: Let me ask the witness: when you say "legal and illegal," you don't refer to any law of the Government of the United States, but you refer to a ruling of the Communist Party at the time about which you testified?

The Witness: Well, you require to have an understanding of the history concerning the Communist Party that brought this situation about.

The Communist Party went underground as a result of the activities of the Department of Justice through Attorney General Palmer at the time, in raiding all headquarters of the Communist Party, and in arresting a large number of Communist Party members and holding them for deportation.

1733 In addition to that, many state actions were pending against the Communist Party. You had state actions in the State of New York, Massachusetts, and also in the State of Illinois, and certain actions on the part of state authorities in other states, with the result that the Communist Party decided that it was impossible for the Communist Party to function openly, as an open organization.

The Communist Party therefore decided to go underground and in going underground they set up an organization which was built up on cadres of five, every party member had an alias, didn't operate under his own name, all the headquarters of the Communist Party were secret headquarters, were not public headquarters, and many of the activities of the Communist Party were conducted on that basis.

Now, the Communist Party felt that the Party couldn't operate legally at the time, so it took this underground position.

Q. How did the membership in the two organizations compare?

1734 - The Witness: The overwhelming majority of the workers of the Workers Party were members of the Underground Communist Party. Every member of the Underground Communist Party became ipso facto a member of the open organization.

However, in the open organization were included members who were not members of the Underground Communist Party.

1737 - Q. Was it customary for each member to have a membership card like those? A. It was customary for each member of the Communist Party to have such a membership card, except those who were considered in the category of secret members of the Communist Party. They carried no cards.

Q. Did you have any secret members during the time you were in the Party? A. Yes, sir, we had a considerable number of secret members of the Communist Party.

1738 - Q. Why were they secret members, and what do you mean by "secret members?" A. By "secret members," we considered those members of the Communist Party who for political or other reasons, it was felt to be advisable to keep their membership records unknown in the Communist Party, and to prevent a disclosure of their membership in the Communist Party, and we generally included in that category important civil servants in the Government, members of the Armed Forces, generally school teachers, and the Party members engaged in espionage.

age and other illegal and confidential activities for the Communist Party and the Soviet Government.

Q. I believe you say you had occasion to go to Moscow for three years, 1927, 1928, and 1929? A. That is right.

Q. How did you travel, Mr. Gitlow? A. I traveled as a Canadian Citizen in 1927, as a Canadian citizen in 1928, and as a Canadian citizen in 1929.

Q. Under what name? A. Under the name of James Hay.

Q. Did you go alone? A. In 1927, I went with J. Lovestone. We made the trip together.

In 1928, I headed the delegation from the American Communist Party to the Congress of the Red International of Trade Unions in Moscow. I was the Chairman of the delegation, and I went with about ten to fifteen others on the trip.

And in 1929, I headed the delegation of the American Communist Party that went to Moscow to appeal against Stalin's decision to change the leadership of the American Communist Party.

Q. Well now, do you know how those other individuals traveled? That is, on what kind of passports? A. Well, I know that J. Lovestone traveled also as a Canadian citizen, with a Canadian passport.

Others traveled on American passports, under assumed names and a couple traveled with legitimate passports that they had obtained.

Q. How did you folks get these passports? A. These Canadian passports?

Q. Yes, sir. A. We had, at the time, a set up in Montreal, Canada, an agency for that purpose, and it was centered in an export house, export-import house, in Montreal, that had very excellent connections with the passport bureau of the Canadian Government, and which also did work for the Soviet Union in that respect.

Q. Did you go through Canada in order to get over there? A. Yes, sir, we would go through Canada to make out the application in Canada.

Then the application was mailed to Ottawa, and 1740 then was mailed to us in New York and we used it in New York to board ship for Europe and into the Soviet Union.

Q. What would you do with the passport when you would get back to this country? What would happen to the passport then? A. Well, if we got back to this country, we kept the passport in our possession. But when we got into the Soviet Union the passport was turned over to what was known as the ORG Department of the Communist Internationale, which was the G.P.U. section of the Comintern at the Comintern headquarters, and we were issued Russian papers to facilitate our stay in Russia.

1747 Q. Now, while you were over in Moscow, can you give us the names of other officials of the Communist Party of the United States who were there on official business? A. Well, there was William Z. Foster, who was there on very many occasions.

J. Lovestone on many occasions.

James V. Cannon, an official of the Communist Party, was there.

Earl Browder was there.

Harrison George.

H. M. Wicks.

J. Louie Engdahl, and very many others.

Q. How many of those that you now name are still alive, so far as you know? A. Well, Harrison George is 1748 alive, Earl Browder is alive, William Z. Foster is alive—there are many who are still alive and in the Party, who were officially delegated to go to Moscow to take up the affairs of the Communist Party.

Q. Is that the same William Z. Foster who is now the head of the Communist Party of America? A. It is the same William Z. Foster.

Mr. LaFollette: Was that the same Earl Browder who is or is not a member of the Party?

The Witness: The same Earl Browder.

Mr. LaFollette: You don't know whether he is a member of the party or not?

The Witness: At the present time he is expelled from the Party so I presume he is not a member of the party.

By Mr. Paisley:

Q. Do you remember approximately when he was expelled? A. He was expelled several years ago.

Q. Pardon me? A. He was expelled several years ago, after the conclusion of World War II.

Q. What power, if any, did the Communist Internationale exert over the Communist Party Conventions in the United States? A. The power of the Communist Internationale over the Conventions of the Communist Party was the following.

First, no Convention of the Communist Party of the United States could be held without the approval of 1749 the Communist Party.

Second, the Communist Internationale prepared the main political resolution which was introduced to the Convention of the Communist Party in the United States for its adoption.

Third, the Communist Internationale sent its own representatives to the Conventions of the American Communist Party, with power to see to it that the Communist Party of the United States, in its conventions and policies, carried out the directives of the Communist Internationale.

Q. During the time you were in the movement, approximately how many representatives did the Communist Internationale send over here? A. Well—

Q. For that purpose. A. Well, I could start trying to catalog them.

Q. Well, I wasn't asking for names, but just approximately how many, at this time? A. I would say close to 20 representatives of the Communist Internationale were sent to the American Communist Party Conventions.

Mr. LaFollette: Do I understand this is to each Convention, or the total? A. The total over a period of years.

By Mr. Paisley:

1750 Q. What power would that representative have at the Convention? A. The representative to a Convention of the Communist Party had extraordinary powers over the Convention and over the Communist Party.

In addition to that, the minute he landed in the United States, he became a voting member of all committees of the Communist Party of the United States, all its leading committees, that includes the Central Executive Committee, the Political Committee, and the Secretariat of the Communist Party.

Q. Do you know what would happen to one of your leaders of the American Party if you opposed his policies?

A. Well, if we opposed his policies, then it would be subject to review by the Communist Internationale, and we would find ourselves expelled from the Communist party.

Q. Now, between Conventions, what power if any did the Communist Internationale exert over the Communist party in the United States? A. It exerted tremendous power over the Communist Party of the United States. It determined its main political line, because the Communist Party always carried out the political line of the Communist Internationale, and the line of the American Communist Party was always changed to conform with the changing line of the Communist Internationale.

It determined, to a very great extent, the top  
1751 leadership of the Communist Party of the United States. It exerted power over the Communist Party of the United States through the subsidies which it made available to the Communist Party of the United States.

It also exerted great power over the Communist Party, due to the fact that the Communist Party had representatives in Moscow, with the Communist Internationale, so that the Communist Internationale could directly instruct

the American Party, through the American Party representatives in Moscow, and then it sent its own representatives, with power, to the United States to see that its decisions were carried out.

Q. Did the Communist Party in the United States have a representative or representatives in Moscow, continually?

A. The Communist Party was never without direct representation at the Communist Internationale.

Q. In formulating and carrying out the policies and programs of the Communist Party in the United States during the time of your leadership, were you leaders concerned with the interests of the United States, the people of the United States, or did the aims and purposes of the Communist Internationale take precedent? A. The aims and purposes of the Communist Internationale and the Soviet Government, took precedence over the interests of the people of the United States.

Q. Just what was the fundamental aim and purpose of the Communist Party in the United States?

A. The aim and purpose of the Communist Party of the United States was:

1. To defend the Soviet Union as the fatherland of the working class all over the world.

2. To carry out the orders and the directives of the Communist Internationale.

3. To work for the undermining of the foundations of the American Government in order to make it possible for the Communists to overthrow our form of Government and set up in its place a dictatorship patterned after the dictatorship that rules in Russia today.

Q. Did you learn what the fundamental aim and purpose of the Communist Internationale was? A. Yes, surely.

Q. And what was that? A. The aims and purposes of the Communist Internationale were; the conquest of the world for Communists.

Q. And who made up the membership of the Communist Internationale? A. The membership of the Communist Internationale was made up of the various sections of the Communist Internationale.

Every Communist Party of the World was represented in the Communist Internationale, and the Communist Internationale Executive consisted of the representatives of the most prominent parties in the Communist Internationale.

The party that dominated the Communist Internationale was the Communist party of the Soviet Union. Every other Communist party was duty-bound to carry out the decisions of the Communist Internationale. There was no permission given to any communist party to oppose the decisions of the Communist Internationale, made through its Executive Committee.

The only Communist party that was permitted the privilege of opposing the decisions of the Executive Committee of the Soviet Union, and the decisions of the Communist Party of the Soviet Union became binding on the Executive Committee of the Communist Internationale.

Q. Were delegates sent over by the Communist Party of the United States to the Communist Internationale? A. Oh, yes, sir, sure.

Q. What methods did the party in the United States employ in carrying out the aims and purposes which you have just described? A. Well, to state them concisely and briefly, as possible: general propaganda, through the publication of newspapers, pamphlets, books, literature, and so forth, through the building up of the party organization, the recruiting of members into the Communist Party, and enlarging and developing and making the Communist organization more efficient, by infiltration of other organizations in an effort to capture the membership of these organizations so that they would be under Communist influence—so you have the trade union activities of the Communist Party, carried on for the pur-

pose of infiltrating the trade unions and bringing the trade unions under the hegemony and domination of the Communist Party—the same with all other organizations, the infiltration of our Government, our schools, of our colleges, as a cultural front, the carrying on of all kinds of movements, engineered and initiated by the Communist Party but not conducted under the name of the Communist Party for the purpose of reaching great masses of people who would not fall for such movement if they thought, or had any suspicion, that the movements were initiated and directed and controlled by the Communist Party, and the gathering of funds for that purpose, also connections with the Communist Internationale were of great value and help to the Communist Party in carrying on its activities in this country, as well as in its connections with the Soviet Government, and the resulting benefits that accrued to the Communist party through such relationships.

\* \* \* \* \*

1765 Q. Did the two Parties which were originally formed, Communist Parties, that is, back there in 1919, accept the 21 points of Communist Internationale? A. They accepted the 21 points without reservation, and were accepted into the Communist Internationale organization.

Q. Did the Communist Party in the United States ever have any representatives on the Executive Committee of the Communist Internationale? A. They did.

Q. Do you know who they were, during their period?

A. Well, I can give you off hand a few of the members.

I don't remember all of them; William Z. Foster

1766 was a member of the Executive, Charles E. Ruthenberg was a member of the Executive, I was a member of the Executive at one time, I think Earl Browder was a member of the Executive—there were a few others. I cannot recall their names at this time.

Q. What were the functions and the powers of the Executive Committee of the Communist Internationale? A. The

functions of the Executive Committee of the Communist Internationale were to supervise and direct the superstructure of the world Communist organizations, and to see that the various sections of the Communist Internationale carried out the orders and decisions and policies of the Communist Internationale.

Q. Was there any power in the International Communist movement over the decisions of the ECCI? A. There was.

Q. What was that? A. The Political Committee of the Communist Party of the Soviet Union had power over the Executive Committee of the Communist Internationale.

1767 Q. Who were eligible for membership on this Committee? A. You mean who was eligible for membership on the Political Bureau of the Communist Party of the Soviet Union?

Q. Yes. A. Only members of the Communist Party of the Soviet Union.

Q. How did they exercise this control over the Communist Internationale? A. They exercised this control over the Communist Internationale because the Communist Party of the Soviet Union, directly through the Soviet Government, because of the system of collections, supported and financed the work of the Communist Internationale.

Q. What was the relation between the Communist Party of the Soviet Union and the Government of the Soviet Union? A. The Communist Party of the Soviet Union is synonymous with the Government of the Soviet Union.

In fact, the Communist Party of the Soviet Union supercedes the Government of the Soviet Union because  
1768 all decisions, important decisions, determining the affairs of the Soviet Government, are first made in the Communist Party, and the organs of state are merely rubber stamps for the decisions of the Communist Party of the Soviet Union.

229

Q. Did the sections of the Communist Internationale, to your knowledge, Mr. Gitlow, contribute any financial support to the organization? A. Not one penny to the financial support of the Communist Internationale.

All the money which supported the work of the  
1769 Communist Internationale came from the Soviet Union.

\* \* \* \* \*

1775 Q. Have you formed any conclusion, Mr. Gitlow, as to whether or not activities of the Party in this country were controlled by the Communist Internationale?

Mr. LaFollette: And the facts upon which you predicate your conclusion.

\* \* \* \* \*

1776 The Witness: I think that the outstanding facts in the history of the Communist Party in the United States during the period when I was a member and leader of that Party, will indicate that the Communist Party of the United States was dominated completely by the Soviet Union, and I will refer only to major policies in this respect, which bear out this contention.

For example, the trade union policy of the United States. The trade union policy of the United States has shifted from independent trade-unionism, outside of the American Federation of Labor, to working within the American Federation of Labor. When this policy was changed in Moscow, it shifted from that of the organization of Communist, independent unions, in this country. The political factors that were changed: the Communist support of the formation of the labor party in the United States,

1777 first approved by the Communist Internationale, and the Communist Internationale changed that policy, and that policy was changed and the Communist Party went into the organization of an independent ticket.

That later was changed again to a decision by the Communist Internationale directing the Communist Party of

the United States to work for the formation of a farmer-labor party in this country.

Matters concerning the Daily Worker: the organization of the Daily Worker, the supplying of a fund of \$35,000 by the Communist Party—

1779 The Witness: The Labor Party decision was made in 1924, and in the fall of 1924, just before the elections, the Communist Party had already succeeded in organizing a farmer-labor party, had secured the nomination of two candidates, one for president and vice president, when we got instructions from the Communist Internationale to give up the labor party, to discontinue the campaign, and to go into the elections on the ticket of the Communist Party.

That was done. Foster was nominated for president and I was nominated for vice president, as a result of that decision.

After that campaign was over, the matter was again reviewed by the Communist Internationale and the Communist Party of the United States was directed to begin a general agitation for the formation of a Farmer-Labor Party in this country.

In 1924, the Daily Worker was established, in the City of Chicago. We received from the Communist Internationale a sum of 35 thousand dollars to make that possible, plus a telegram and cable of greetings from the Communist Internationale on the formation of a daily Communist paper in the United States.

The trade union policies of the Communist Party, the formation of the Trades Union Educational League, in 1922, as an instrument for the infiltration of the trades union—that policy of the A.F. of L. and existing legitimate unions, that was abandoned, in the year 1928, 1780 because the Trades Union Policy of the Soviet Union had shifted in the other direction, and so that policy was shifted for the United States also.

By Mr. Paisley:

Q. You have given us now instances— A. That is right. I am compiling these instances all along the line.

Then the constitution of the leadership of the Communist Party of the United States. At the Convention of the Communist Party in 1925, Foster had a majority of the delegates to the Communist Party of the Convention.

We had, as a representative to the American Communist Party from the Communist Internationale, one Gusev, who operated in the United States under the name of Abe Pepper—not Pepper, his name was Green, excuse me, R. Green. Pepper was another representative—and Green was instrumental in enforcing the decision of the Communist Internationale that Foster accept a division of the Central Executive Committee on a fifty-fifty basis, the Foster group 50 per cent of the delegates to the Central Executive Committee, and Ruthenberg, 50 per cent, and then, P. Green, the representative of the Communist Internationale to the American Communist Party, sat in at the first meeting of the Central Executive Committee. They constituted the Political Bureau, the officers of the Party, on the basis of a majority established in the Central Committee by the membership of P. Green, which gave 1781 the majority of the Party over to the minority leadership of the Party at that time.

1785 Q. Mr. Gitlow, you have been giving us some instances of the domination and control by the Communist Internationale of the Communist Party in the United States.

Now to get at the matter in another way, during your experience, do you know of any instance when a directive from the Communist Internationale was disobeyed by the Communist Party of the United States? A. I know of no instance where the Party as such disobeyed a directive of the Communist Party.

**RECORD**

**P. 232-307**

I know where a decision was made to appeal against such a directive and what happened afterwards.

Q. On how many occasions was there an appeal? A. The appeal?

Q. Yes. A. The appeal I referred to was in 1929, 1786 in which I headed the delegation and appealed against the decision of the Communist Internationale.

Q. Try to keep your voice up, Mr. Gitlow. A. Yes, sir.

Q. That was the appeal which your faction of the Party took prior to your expulsion? A. That is right.

Q. Do you know of any other where a directive from Moscow was disobeyed? A. I know of no directive from Moscow that was disobeyed by the Communist Party in the United States.

Q. How often and to what extent did the Communist Party in this country receive directives from Moscow?

A. They received many, many directives from Moscow on all kinds of matters. They were continually arriving at the headquarters of the Communist Party.

Q. Now when your Committees, your Executive Committee, of the Communist Party in the United States, would meet, and your Political Committee, and the Secretariat, was it necessary to keep and send to Moscow, minutes of the meetings? A. The procedure was that minutes of the meetings were taken down, and minutes forwarded to Moscow, of all meetings of the Central Executive Committee and Political Committee.

In addition, reports were sent to Moscow by the 1787 various departments of the National Office of the Communist Party.

In addition to that, there were individual reports and letters sent to the Communist International by the leaders of the Communist Party.

Q. Now you told us about the aims and purposes of the Communist International.

Did they change in any substantial way during the time of your membership? A. The fundamental aims of the Communist Party, and the fundamental position of the Communist Party was never changed, and was never changed so far as the Communist International was concerned, also.

That is, the basic principles, which they call Stalinism and Leninism. They have remained, actually, permanent for the World Communism Movement.

Q. And just what do Stalinism and Leninism mean? A. Those are the fundamental principles and policies and tactics for the conquest of the entire world for Communism.

Q. Did you ever hear the expression "Marxism," "Leninism?" A. I did.

Q. What did the Party teach was the meaning of that? A. Well, the Communists have held that their position is based on the position of Marx, on his economic political position.

1807 One, the official Party delegations—Communist Party delegations that went to Russia. They started immediately with the formation of the Communist Party in the United States.

For example, John Reed was one of the first delegates of the Communist Labor Party to go to Russia to represent that party.

Louis C. Fraina and Isaac Horowitz were delegates—not Isaac, Nicholas Horowitz—were two of the delegates from the Communist Party. I remember there were two Communist Parties formed in 1919 that went to Moscow, and ever since then, there wasn't a year in which official Party delegates did not make trips to Moscow.

In addition to that, there were special delegations that went to Moscow. The most notable one was the Trades Union Delegation that went to Moscow in 1928.

Q. Approximately how many individual were included in the delegation? A. Well, I would not know the exact

number, but I think there were somewhere in the neighborhood of ten—maybe one less or a couple more.

Q. Do you know who sponsored the movement? A. I know who sponsored the movement and how it was organized.

Q. Will you tell us?

Mr. LaFollette: Excuse me, is this the Trades Union Delegation you are speaking of?

Mr. Paisley: Yes, sir.

The Witness: Yes, sir, the Trades Union Delegation to Moscow. The decision was made to organize such a delegation to be sent to the Soviet Union by the Executive Committee of the Comintern, and the funds or the same were supplied, the organization funds, for getting such a delegation organized, were supplied by the Communist Internationale, and then a labor leader of the British Trades Union Movement was sent to this country, and he was paid his expenses for making the tour of the United States in order to build up sentiment for the organization of such a Trades Union Delegation to go to Moscow, was supplied by the Communist Internationale, and he was paid for the job he did in this country.

The Communist Party organized all the details of the campaign that ensued, and as a result of that, a delegation was organized, and this delegation went to Moscow, and its affairs were manipulated by the Communist Party and a man put in charge as the Secretary of the Trades Union Delegation, who eventually wrote the report for that delegation, was a Secretary-Member of the Communist Party.

1809. Mr. LaFollette: Communist Party of the United States?

The Witness: Yes, sir. The report was written up and submitted to the Political Committee of the American Communist Party, and when it met with its approval, it was printed. It was printed through funds supplied by the Communist Internationale.

That was the trades union delegation that went to the Soviet Union.

Then, of course, there were the various delegations, any number of them, that were organized, and also a campaign was put on for this purpose by the Communist Internationale, and supported with the funds of the Russian Government, for the Russian Government wanted to make a tremendous celebration at its tenth anniversary, and so all kinds of delegations were organized in the United States to go to the Soviet Union in 1927 to participate in that celebration, all with the express purpose to utilize the trips of these delegations on the one hand to present a glowing picture of Communism in action in the Soviet Union, and on the other hand, to bolster up Communist propaganda and activities in the United States.

By Mr. Paisley:

Q. How did you gain your knowledge as to these matters?

A. I happened to be a member of the Political Bureau of the Communist Party of the United States, and I 1810 was present in Moscow in 1927 when we discussed these matters at the headquarters of the Communist Internationale.

Q. Were these trade union delegations and other delegations you mentioned, matters that were discussed in the Political Committee from time to time? A. Oh, yes, sir, and they were very elaborately discussed in the meetings of the Political Bureau.

Q. Were these trade union delegates that were sent over there at the expense of the Communist Internationale, members of the Parties themselves? A. No, they were not. I think they were not. I don't recall the list, but I think the individual trade union members who went over with the delegation were not members of the Communist Party.

However, the technical staff which surrounded the delegation was made up of Communist Party members.

Q. Who was it that wrote up this report that you say was a secret member of the Party? A. Robert W. Dunn.

Q. How do you spell Dunn? A. I am not sure.

Mr. LaFollette: Is there an "e" on the end of the name?

The Witness: I am not sure now.

By Mr. Paisley:

1811 Q. Where is he now? A. I presume he is still doing the things he did before.

1813 Q. Do you know whether or not, Mr. Gitlow, the Soviet Union maintained in this country any members of their OGPU? A. Yes, sir.

Q. How do you know? A. I know because we had relations with members of the OGPU through the Secretariat of the Communist Party of the United States, in this country, and also when I was a delegate to the Communist Internationale, we met with members of the OGPU who were assigned to duty in the United States.

Q. You mean you met them over there, in Russia? A. That is correct.

Q. Who were some of these agents? A. Well, the most active one in his relations with the Communist Party, who acted as a liaison between the Communist Party—as a liaison officer of the OGPU with the Communist Party, was Dozenberg.

Q. What was his first name? A. Nicholas Dozenberg. He was originally a member of the Communist Party, and he was in charge of the confidential work of the organization department of the Communist Party before he was assigned to the OGPU.

Q. Who assigned him to the OGPU? A. The Secretariat of the Party assigned him to the OGPU, and I was a member of the Secretariat at the time.

So he was disconnected from all party organization and assigned to the OGPU.. That was in the year 1927, and he

met continuously with members of the Secretariat on OGPU matters, and the Secretariat was instrumental in obtaining for Nicholas Dozenberg, for the use of the OGPU banking references, recommendations, from legitimate business organizations, and so forth; and from time to time Nicholas Dozenberg would take up specific matters with the Secretariat of the Communist Party of the United States.

Q. Was he known as a member of the Communist Party?

A. He ceased to become known as a member of the Communist Party when he was assigned to the OGPU.

Q. What was the function of the OGPU in this 1815 country? What was its purpose? A. The function of the OGPU in this country was to gather military and industrial information, and anything which the Soviet Government thought would be of value and interest to the Soviet Union.

Q. Gathered for what purpose? A. For the purpose of having the knowledge which would bolster up the position of the Soviet Union, primarily in international affairs.

Q. Then, it was passed on, I take it, to the Soviet Union?

A. That is right.

Q. Now, when you were in Moscow, did you ever see any of the results of the activities of the OGPU in this country? A. Well, I saw quite a bit of it in the Communist Internationale, where the various reports dealing with the Communist Party, and its activities, which were gathered by the OGPU, were kept on file in the Communist Internationale.

1823 Q. Well, now, you mentioned the name Scott, did you mean Johnson? A. That was his alias—Scott.

Mr. LaFollette: Scott and Johnson are the same man?

The Witness: The same man.

By Mr. Paisley:

Q. Were there any other agents of the OGPU with whom you came in contact in your activities as a communist leader in this country? A. Yes, sir, there were other agents.

Q. Could you now recall any of their names? A. I can't recall their names. I know them by their first names only—that is, I knew them by their first names only.

Q. Could your memory be refreshed, do you think, if I were to recall some of the names? A. It might. I wouldn't vouch for it.

1824 Q. Did you ever know a man by the name of Dirba?

A. Yes, I knew a man by the name of Charles Dirba.

Q. Was he a member of the Communist Party? A. He was a charter member of the Communist Party; originally also a member of the Lettish Club.

Q. Did he ever become active as an OGPU agent, to your knowledge? A. He took over the job in the National Headquarters of the Communist Party that Nick Dozenberg had. Whether he followed in the footsteps of Nick Dozenberg, I am not in a position to say.

Q. Now, do you know an organization known as the Amtorg? A. I do.

What do you know about the Amtorg? A. Amtorg was the trading corporation in the United States of the Soviet Government.

1825 Q. When was it organized? When did it become active in this country, if you know? A. I think it was organized—well I am not quite sure; but I think in the early Twenties, I think around 1924.

Q. Did the Communist Party of the United States have any contact or relations with that organization? A. It did.

Q. Will you detail the relationship and the circumstances? A. Well, the Secretariat dealt from time to time with the heads of the Amtorg on certain political questions that the Amtorg was interested in—notably on the question

of obtaining the recognition of the Soviet Union by the United States Government.

They were very much interested in that.

Also, the Amtorg cleared with the Communist Party of the United States the American personnel it hired, to determine whether or not they could be trusted to work in the Amtorg.

Third, a large number of members of the Communist Party worked in the Amtorg, and those members of the Communist Party who worked in the Amtorg were formed into a special group.

The head of that group, at the time I was in the Party, was a Communist Party member by the name of Cooper, and this group kicked back part of its wages into the 1826 Treasury of the Communist Party.

Then the Amtorg supported the Communist Party Press, by putting advertisements, particularly, in the Foreign language newspapers of the Communist Party for which they paid in excess of the advertising rates for such advertisements.

Furthermore, the Amtorg made it possible for the Communist Party School of Business Relations, in what it was doing to realize monies financially from insurance and other activities.

In addition to that, the Amtorg sought the assistance of the Communist Party whenever technical delegations came to this country to attach Communist Party members to these delegations as translators, and so forth, who would be tied in with the OGPU representative that traveled with these delegations for information purposes.

Q. Did the officials of Amtorg from time to time meet with the Executive Committee or the Secretariat of the Communist Party? A. No, they met with members of the Secretariat; they never met at Party Headquarters.

Q. Was that frequent or otherwise? A. Yes, it was sometimes quite frequent.

• • • • •

1892 Q. Mr. Gitlow, were these 21 conditions for admission to the Communist Internationale ever changed? A. During my connection with the Communist Party and with the Communist Internationale, they were never changed, or removed. They were always enforced.

Q. What use was made of the theses and statutes and the 21 points, during the time of your membership, after this convention, the Second Convention? A. They were used in two directions, mainly.

One, to educate the membership in the theses and statutes of the Communist Internationale, and the directives contained in the theses and statutes of the Communist Internationale were implemented by the Communist Party, and the necessary organizational and other steps were taken to comply with the theses and statutes of the Communist Internationale.

1916 Q. Did the Communist International urge the organization that put out Exhibit 11 to unite with the United Communist Party? A. They always urged them, and the final decision for their members to unite with the Communist Party was carried out at the Richmond Convention in 1924.

Mr. LaFollette: Richmond, Virginia.

The Witness: No, Bridgeman, Michigan.

1966 Q. And who was this representative of the Communist Internationale? A. The representative of the Communist Internationale to the American Communist Party at the time was Gussev, a member also of the Communist Party of the Soviet Union, and a member of the Control Committee of the Communist Party of the Soviet Union and considered a military expert by the Red Army.

Q. What was this Control Commission of the Soviet Union? A. The Control Committee of the Communist Party of the Soviet Union is that committee which deals

with matters of discipline or misconduct on the part of members and leaders of the Communist Party of the Soviet Union.

Q. Is that spelled G-u-s-s-e-y? A. That is right.

Q. And did he use an alias? A. Yes, sir, he used an alias in this country. His alias was P. Green.

Q. I see the name P. Green at the head of the following list of names, there, on page 165. William Z. Foster, J. Cannon, Alec Bittleman, C. E. Ruthenberg, Max Bedacht, J. Lovestone. Is that the same individual about whom you have been testifying? A. That is right.

Q. Is there any significance to the fact that Green's name is set off to the right, from these others? A. Well, that is to indicate that he was the head of the Committee.

Q. How many of those men listed are still active in the Communist Party in this Country, if you know? A. William Z. Foster is the Chairman of the Communist Party of the United States.

J. P. Cannon leads the Trotzkyist group in America.

Alexander Bittleman is a leader of the present Communist Party.

C. E. Ruthenberg is dead.

Bedacht was recently expelled from the Communist Party.

J. Lovestone is out of the Communist Party.

2000 Q. Now, the question was, do you know what was meant by the use of the words, "Marxism and Leninism?" A. I do.

Q. What does it mean? A. The meaning of the phrase was the following:

As far as the economic social and political ideas of Marx were concerned, they were accepted. They were elaborated in the process of a violent revolution by Lenin, who worked out the tactics for revolutionary struggles, and Leninism categorically stands for the use of violence and force in

attaining the objectives of the Communist Party or the Communist Internationale.

Q. Which objectives are? A. Which objectives are the forceful overthrow of existing Governments which are not Communist Governments, their complete destruction, and replacing them with a Communist form of Government known as the dictatorship of the proletariat, in which only one party is permitted to operate, the Communist Party.

2008 Mr. LaFollette: This man's name was Pepper?

The Witness: Yes, sir.

Mr. LaFollette: What was the alias?

The Witness: The alias was Pepper. His real name was Joseph Pogany.

Mr. LaFollette: And you knew him from 1922 to 1929?

The Witness: That is right.

Mr. LaFollette: And he came here from where? From the Soviet Union?

The Witness: He was sent here with a delegation of three representatives from the Communist Internationale, to the Communist Party of America.

The meeting of the Committee to which the delegation reported and presented their credentials, was held in my home, on Greenwich Avenue, New York City. I was present at that meeting of the Central Executive Committee at which the credentials were presented.

So I knew that he came as a representative of the Communist Internationale, together with Waletsky and one other man who originally lived in Buffalo whose name I can't recall at the present time. The other two representatives of the Communist Internationale, after the Bridge-man Convention, returned to Moscow. John Pepper was assigned for work in the American Party. He became a member of the Central Executive Committee, and a member of its Political Committee, and was one of the active, top leaders of the Communist Party of

the United States, and he finally was recalled to Moscow in the year 1929 and never returned again to this country.

And I met him in Moscow in 1929, also.

2027 Q. I hand you what purports to be a pamphlet entitled, "The Communist Manifesto."

2037 Q. Now the question, Mr. Gitlow, is do you know what use the Communist Party, while you were one of its leaders, made of that document? A. The Communist Party made wide use of that document in educating its membership in the principles and tactics of the Communist Party, and it was taught in the workers school and the Communist Party made its own interpretation of The Communist Manifesto.

Q. Was it ever repudiated by any document which you ever saw? A. Never.

2092 Q. Mr. Gitlow, I hand you a document, a photostat of which has been marked petitioner's exhibit 39 for identification, and ask you if you are familiar with that document?

(The above-referred to document was marked for identification as Petitioner's Exhibit No. 39.)

A. Yes, sir. I am familiar with this document.

Q. Will you tell us what it is, if you know? A. It is a report to the Communist Internationale by William Z. Foster and Alexander Bittelman.

Q. Made where? A. This report was presented to the Comintern in Moscow.

Q. Do you know whether or not it was prepared in Moscow? A. That, I couldn't tell you.

Q. I call your attention to the last page. I notice it appears to be dated in Moscow. A. I noticed that but I couldn't tell you whether it was prepared in Moscow.

Q. How did it come into your possession? A. I got this from the archives of the Communist Internationale, in 1927.

Q. And what did you subsequently do with it? A. I turned it over with the rest of my files. It was included in my files, that went to the FBI.

2123 Q. To what extent did you leaders of the Party in the United States undertake to conform to the dictates of the Cominform as to the editorial policy of the Daily Worker?

Mr. Abt: Objection to the Cominform, Mr. Chairman.

Mr. Paisley: I mean Communist Internationale.

Mr. LaFollette: The objection is as to the form of the question.

Mr. Abt: That is right.

Mr. LaFollette: Well, may I add, if any; the witness may proceed. The objection is overruled.

A. Well, the leaders of the Communist Party were very alert in seeing to it that the policy of the Communist press conformed with the line of the Communist Internationale.

2125 Q. What was customary, if there was a custom, as to the fixing of the rates of your Party Conventions, in this country? A. Before a Convention of the Party could take place, permission for the holding of the same had to be secured first from the Communist Internationale.

Q. Now, was it customary for the Secretaries of the Party to be elected at the Conventions over here? A. All top-officers of the Communist Party that were elected at Conventions were subject to the approval of the Communist Internationale, and this was a decision on how the top leaders of the Communist Party in the United States should act before the holding of the National Convention.

2126 In the period between the making of this decision on the American Question and the holding of the Convention

later on, in 1927, in that period Lovestone and Foster were designated by the Communist Internationale to act as the Secretaries of the Party, and Foster and Gitlow, as the Trade Union Secretaries of the Party.

Q. Did this decision of the Communist Internationale effect any change in the offices? A. Insofar as they removed the function of one General Secretary, and one Trade Union Secretary.

2157 Q. Do you know whether or not the C. I. representative did come to the United States after that? A. He did.

Q. Do you know who he was? A. He was Gasev, alias P. Green.

Q. And was this Parity Commission formed? A. It was.

Q. Is that the same Parity Commission about which he had some other testimony or which was referred to in some other exhibit, introduced last week? A. It is.

2158 Q. Can you identify that document? A. I can.

Q. Will you tell the Board just what it is? A. These are the minutes of the Executive Council of the Workers Party dealing with the agreement reached in Moscow for the organization of the International Relief, and as a result of that agreement the Executive Council considered the formation of the International Labor Defense in this country and selected a slate of the International Labor Defense, consisting of the Party people on the committee, who had an overwhelming majority, and the non—so-called non-Party people on the International Labor Defense, National Committee.

But among the non-Party people there were a number of secret members of the Communist Party. Robert W.

2159 Dunne at the time was a member of the Communist Party. Bishop M. Brown was a member of the Party; Meitzen was a member of the Communist Party.

and Ralph Chapman was also a member of the Communist Party and they are indicated in the minutes as non-Party members.

2187 Q. I believe you heretofore testified that copies of the minutes went to the Communist International in Moscow? A. They did.

Q. I direct your attention to the bottom of page 3 of Exhibit 52, which indicates that Comrade Green took part in this particular meeting.

Do you know who Comrade Green was? A. Yes, that was P. Green, the alias for Gusev, representative of the Communist International to the American Communist Party.

2206 Q. Mr. Gitlow, did you folks have any policy with reference to the matter? A. We did have a policy in reference to the International Ladies Garment Workers Union.

Q. What was it? What was your policy? A. The policy was to compare the policies of the Administration with policies put forward by the Communist Party, and to utilize that difference in an attempt to win control over the International Ladies Garment Workers Union.

2216 Q. Mr. Gitlow, I hand you another set of minutes of the Politburo of October 19, 1925, a photostat of  
2217 which has been marked Petitioner's Exhibit 58.

(The document was marked Petitioner's Exhibit 58 for identification.)

By Mr. Paisley:

Q. How did that come into your possession? A. In the same way that the other copy of the minutes came into my possession.

Q. Did you make the same disposition of it? A. I did.

2218 Q. I call your attention to the bottom of page 2 of that exhibit, Mr. Gitlow, the Young Workers League. I note the words "YCI" there. Do you know what that stands for? A. Young Communist International.

Q. Did it have anything to do with the Young Workers League? A. The Young Workers League was a section of the Young Communist International.

Q. Did the Young Communist International undertake in any way, to your knowledge, to control the activities of the Young Workers League in this country? A. It did.

Q. To what extent? A. To exactly the same extent that the Communist International controlled the affairs of the Communist Party of the United States.

2219 Q. Mr. Gitlow, how did you gain your information? A. Because the affairs of the Young Communist League were supervised by the Communist Party of the United States, and the communications that came from the Young Communist International were reported to the leading committees of the Communist Party of the United States, and the Young Communist International sent delegates to the Young Communist League of the United States, and those delegates had to present their ~~credentials~~ not only to the Young Communist League, but also to the Communist Party of the United States, and the representatives of the Young Communist International to the Young Communist League of the United States sat in at meetings of the leading committees, including the Politburo, of the Communist Party of the United States.

Q. Did the Young Communist International communicate from time to time with this Young Workers League over here? A. It communicated continuously with the Young Workers League in the United States.

Q. And did replies go back? A. Yes, sir, replies went back.

Q: How did they go, back and forth, do you know? A. They went through letter, through courier, through representatives, and through cables.

Q. Did they go direct to this youth organization, or otherwise? A. It depended upon the nature of the communication, how it was shipped from Moscow here.

2226 In addition to that, the Young Communist League sent representatives to the Young Communist International in Moscow, who represented directly in Moscow the Young Communist League.

Mr. LaFollette: Did the Communist Party of the United States choose those members, or did they go direct?

The Witness: Those members were chosen with the approval of the Communist Party of the United States.

Mr. LaFollette: And the communications that came, do you know, did they go direct or did they come through the Communist Party of the United States?

The Witness: Well, they went direct to the contacts established for the Young Communist League in the United States, but were reported to the Communist Party in the United States.

2238 Q. I call your attention to page 3 of these minutes, under the subject "Scandinavian Bureau."

Who is the Comrade Petersen mentioned in connection with that matter. A. Comrade Petersen was a man who was sent over to the Communist Party of the United States by the Executive Committee of the Communist International to assist the party in its organization, reorganizational and organizational activities.

Mr. LaFollette: Was that an alias, or was that his name?

The Witness: He was a Scandinavian by birth. I don't know what his real name was.

2264 Q. Now I direct your attention to page 2(a) concerning a cable from one Losovsky. He refers to a league.

My first question is, do you know who Losovsky was?  
A. He was the Chairman—

Mr. Marcantonio: Mr. Chairman—

Mr. Paisley: No, where he was. It says the cable was received. As far as the document is concerned, we don't know where he was.

The Witness: He was in Moscow.

By Mr. Paisley:

Q. Do you know to what League he was referring? A. Trade Union Educational League.

2275 (The document referred to was marked for identification and received in evidence as Petitioner's Exhibit 66.)

Mr. Paisley: I am going to keep my questions on these minutes to a minimum, Mr. Chairman, and it will take a little time, because I am eliminating matters that we had expected to ask the witness about.

Mr. LaFollette: That is all right, Mr. Paisley.

By Mr. Paisley:

Q. Mr. Gitlow, I call your attention to those listed as present.

Do you know whether any of those so listed were representatives of the Communist International, or, persons from Soviet Russia? A. Well, there was Bob, who was the representative of the Young Communist International, who was present, and Frank Miller, who was the representative to the party from the Executive Committee of the Communist International.

2284 (Petitioner's Exhibit 69, marked for identification and received in evidence.)

2287 Q. I call your attention to the first page, Mr. Gitlow, on the subject of "Negro Work," a motion by Ruthenberg that Comrade Whiteman "be requested to write out his report so that it can be sent to the Eastern Department of the Comintern, showing the progress in the work the A.N.L.C. is doing."

2288 Can you interpret that for the Board? A. The Eastern Department of the Comintern was the department that handled the Negro question, and reports on the Negro question, the activities of the Communist Party in this field of work, were sent to that department.

Q. And the ANLC, is that the American Negro Labor Congress about which you testified previously? A. It is, yes, sir.

Q. Down at the bottom of that page and continuing over to the next page is the topic "Anti-Imperialism," and has reference to "A.A.A.I.L.,"—in Cuba, and reference to a league, not otherwise denominated.

Can you tell us what the "League" was and what the "A.A.A.I.L." was? A. Well, the A.A.A.I.L. is the All-American Anti-Imperialist League, and the league referred to above is the same, the All-American Anti-Imperialist League.

2313 Q. Now, Mr. Gitlow, are you familiar with this subject of the Port Bureau's which was apparently under discussion at the top of page 7 of this exhibit? A. I am.

Q. Will you explain to the Panel just what that matter was? A. The Port Bureau was a form of organization established on the waterfront. Club rooms were hired and facilities made available to sailors in order to attract them to these club rooms, and as a result of that the communists carried on their organizing work on the waterfront through these port bureaus.

Q. Did the Profintern have anything to do with the establishment of the bureaus? A. The organization of the port

bureaus was carried on, in all the leading ports of the world, under the direction of the Profintern, and the instruction for the organization of such port bureaus  
 2314 went out to the Trade Union Educational League, which was the Profintern section in the United States.

Q. What was the interest of the Communist Party of the United States in this matter? A. Because the Communist Party determined the policies, and supervised the activities of the Trade Union Educational League.

Q. Do you know whether or not the port bureaus were established in ports of the United States? A. They were.

Q. And were these established under the auspices of the Communist Party, for its own purposes? A. They were established and opened by the Communist Party for its particular purposes, on the waterfronts.

Q. Did the Profintern aid the establishment of these bureaus financially? A. It did.

2315 Q. To what extent did the Communist Party aid financially these port bureaus? A. It provided the financial funds to open these port bureaus and provided the funds to operate them on the Atlantic Seaboard.

Mr. LaFollette: Was that during the year 1927, covered by these minutes, or at this time, in January, 1927?

The Witness: The organization of them was discussed at this time, but actual organization took place a little later.

Mr. LaFollette: During your period in the party?

The Witness: During any period in the Party.

Q. Did you know a man known as George Mink? A. I did.

Q. Did you know whether or not he was active in the matter of the port bureaus? A. He was active in the matter of the port bureaus and organizing of communist activities on the waterfront.

Mr. LaFollette: Was he a member of the ~~Communist~~ Party of the United States?

The Witness: He was a member of the Communist Party of the United States.

2317 Q. I call your attention, Mr. Gitlow, to page 5, Miners International Conference.

It seems that a wire had been received from Salutsky to send a delegate.

Can you interpret that in any way for us? A. Yes, Salutsky was a Russian, and an official of the Profin-  
2318 tern and in charge of the Miners International Conference which was to be held by the International Propaganda Committee.

Q. Where did he want the delegates sent? To what place?  
A. The conference was to be held in Moscow.

Q. Here's another matter I overlooked. On page 6, there is the heading "IWA." There is some reference to a film, division of proceeds of the film showing shall be 25 per cent to the Art Film Corporation, 35 per cent to the IWA, 20 per cent to the National Office; and 20 per cent to the local organizations of the Party, and so on.

What kind of film was that? A. The International Red Aid sent Russian films to the United States to the International Workers Aid, and the profits to be made from the distribution of the films, was decided upon by the Party organization.

Q. Did the Russians charge anything for the film? A. Not one penny.

2322 Q. I call your attention to page 2 of Petitioner's Exhibit 80, Mr. Gitlow, a cable quoted there and signed "ECCI Kuusinen", and refers to Jack, Ben and Bill going over to Moscow.

Do you know who Jack, Ben and Bill were? A. Yes, Jack was J. Lovestone, Ben was myself and Bill was William Z. Foster.

Q. Now on page 4, as to the motion by Bedacht that the Political Committee request the Communist International for permission for one Comrade Kruse to return. Do you know who Kruse was? A. That was Bill Kruse, who attended Lenin's University and graduated from the Lenin University, and who was in Moscow at the time.

Q. Was he a member of the American Communist Party?

A. He was a member of the American Communist Party.

2323 Q. Now as to this Petitioner's Exhibit 81, Mr. Gitlow, I direct your attention to the motion starting at the bottom of page 2, dealing with the "Arcos" raid. Can you tell us what the "Arcos" raid was? A. That  
2324 was the name of the Russian Trading Corporation in Great Britain.

Q. Well, had some raid been made on it? A. Yes, the British Government raided the offices of the Arcos, and took away a lot of documents and material, letters and so forth, from the property.

Q. Keep your voice up, Mr. Gitlow. A. The British Government raided the Arcos office, and took away documents, letters, and files from the Arcos.

Q. How do you know that? A. Reported in the Press.

Q. Well, was it ever under discussion in any of your Communist Party meetings, afterwards? A. I discussed it at the time I heard about it, with Lovestone. We were on our way to Moscow when the news broke of the Arcos raids and we were very much disturbed about them because information appeared in the Press which gave the names and addresses of our connections and contacts for mail and cable, between the Communist International and the Soviet Government and the American Communist Party.

Q. Did it result in the disclosure of any of your secret members or agents in the United States? A. No, it disclosed the names and the addresses of the people who got confidential letters, reports, cables, and moneys from Moscow in the United States.

2326 Q. Did you discuss it in Moscow, with your Comrades? A. Yes, the matter was under discussion at the Plenary sessions of the Communist International.

Q. Well, was any policy adopted with reference to the "Arcos" raids? A. The policy adopted was to center the attack against Great Britain as a moving force in trying to provoke a war against the Soviet Union.

Q. Do you know whether or not the Communist International communicated its wishes or desires in the matter to the Party here in the United States? A. Well, they  
2327 adopted the policies, and these policies were transmitted to the Communist Party of the United States.

2332 Q. Can you tell us with whom you discussed the "Arcos" raid in Moscow, in Soviet Russia? A. Well, I discussed it with J. Lovestone and I discussed it with Bukharin and other members of the Executive Committee of the Communist International.

2333 Q. Who was Bukharin? A. He was the president of the Communist International.

Q. Well, they don't get any higher in the Communist International than the president, do they?

Mr. LaFollette: Well, I think that is arguing with the witness. But is there any one higher than Bukharin?

The Witness: Yes, there was one higher.

Mr. LaFollette: Who is that?

The Witness: The General Secretary of the Soviet Party of the Soviet Union.

By Mr. Paisley:

Q. Who was he? A. Joseph Stalin.

2337 Mr. LaFollette: Mr. Gitlow, had you gotten this far? Did you discuss the question of acquisition of Soviet codes by the British Government with anyone in the Comintern? Did that discussion come up?

The Witness: That discussion came up.

Mr. LaFollette: With whom did it come up?

The Witness: That came up with the "ORG" Department of the Comintern, and an individual in charge of that department by the name of Abram.

Mr. LaFollette: What is the "ORG" Department?

The Witness: The organization department of the Comintern and Abram was the one responsible for maintaining the codes and secret addresses and means of communications with the sections of the Communist International.

Mr. LaFollette: Was he an officer of the Communist International?

The Witness: Yes.

Mr. LaFollette: Were they in session at the time that you were there?

The Witness: He maintained an office. We had 2338 sessions of the Comintern which I attended, but in between sessions we had discussions with Abram in his office in which we discussed these matters, and as a result of that a new set of codes was drawn up for the American Communist Party, which were turned over in my presence to J. Lovestone and brought to the United States.

2340 Q. Who was Grey, who appears to have set in with  
you on that meeting? A. Grey is the same name as  
2341 Brown, who was the representative to the Communist  
Party of the United States from the Executive  
Committee of the Communist International.

2396 Q. I notice one Swift was present and was making  
some motions at this particular Political Committee  
meeting, Mr. Gitlow.

Who was Swift? A. Swift is John Pepper, also an alias,  
and Joseph Pogany, mentioned before.

Q. Representative of the Communist International to the  
American Communist Party? A. That is correct.

2397 Mr. Paisley: We offer as Petitioner's Exhibit 95 the minutes of the Political Committee of June 15, 1928.

Mr. Abt: Same objections, Mr. Chairman.

Mr. LaFollette: Same ruling.

(Petitioner's Exhibit 95 marked for identification and received in evidence.)

By Mr. Paisley:

Q. Who was Markus? A. Markus was a representative of the Communist International sent as an organization instructor to the American Communist Party.

Q. So that you had two C.I. representatives there, Swift and Marcus, is that right? A. At that time Swift was not in the category of a Comintern representative to the American Communist Party.

Q. What is his category? A. As a member of the Communist Party and a member of its Political Committee.

Q. Those minutes seem to me very largely dealing with the miners situation in the anthracite coal fields.

Had the Communist International at that time indicated any interest in this situation? A. The Communist International had indicated great interest in the miners' situation in the United States, and had instructed the

2398 Communist Party to carry on a campaign among the members of the United Mine Workers for the purpose of defeating the presidency of John L. Lewis, and it went to the extent of subsidizing that campaign.

Q. In what manner did it subsidize the campaign against Lewis? A. Over a long period of time it subsidized it with contributions to the Communist Party for this specific work.

Q. To what extent? Do you have any idea to what extent? A. Well, the extent varied, depending upon the particular time. Sums ran from twenty-five to fifty thousand dollars at a time.

Q. Now, Mr. Gitlow, we have had some mention of the "Blue Blouses." Whether it is in testimony or argument here, I do not remember.

Anyway, what were the "Blue Blouses?" A. The "Blue Blouses" was a workers group organized in the Soviet Union, who were dressed in dark trousers or skirts with blue blouses, and whose forte was pantomime.

2399 Q. Well, can you tell us more about them, now? A.

Yes, they were offered to the Workers International Relief in the United States to tour the country, and the funds realized from such a tour to be distributed on whatever basis the Political Committee decided or the Secretariat decided.

Q. As I understand it, they were furnished by the Communist International? A. That is right.

Q. And they were citizens of Soviet Russia? A. That is right, were not American citizens?

Q. And went back over there, after their tour? A. That is right.

Q. On the top of page 5—

Mr. LaFollette: This was a show troupe, was it?

The Witness: That was a show troupe, a Soviet Union show troupe.

Mr. LaFollette: Like a ballet, only this group was a pantomime group.

The Witness: That is right.

2400 Q. Mr. Gitlow, is that your signature there, as acting executive secretary of the Party? A. It is.

Q. Now this was in June, 1928? A. That is right.

Q. That is the year that you ran for vice president, and Foster for president, on the Communist party ticket, is that right? A. That is right.

Q. Had you been in Moscow recently, at this time? A. I was in Moscow at the beginning of 1928.

Q. Did you discuss this coming political campaign? A. I did.

Q. In Moscow? A. In Moscow.

Q. Was anything said over there about finances? A. There was.

2401 Q. Will you tell the Panel what was said? A. The Executive Committee of the Communist International decided to contribute 35 thousand dollars to the election campaign of the Communist Party, in the United States.

Q. Proceed, Mr. Gitlow. A. The Executive Committee made a decision to contribute 35 thousand dollars to help the campaign, the election campaign, of the Communist Party in 1928, and when I left Moscow for return to the United States to be present at the nominating convention, which was held in New York City, I got instructions from the Executive Committee of the Communist International to stop over in Berlin and to pick out an advance of \$3,500 for the American Communist Party.

Q. Did you do that? A. I did.

Q. Did you bring it back with you? A. I did.

I brought it back with me in cash, and turned it over to Jay Lovestone, who was then acting as the general secretary of the Communist Party.

Q. Is he still living, is he, as far as you know? A. He is still living, yes.

Q. Was it American currency or what? A. It was American currency.

2415 By Mr. Paisley:

Q. Can you identify that document, Mr. Gitlow? A. That is a financial statement, monthly financial statement that was issued by the National Office of the Communist Party.

Q. Do you know what these two items refer to "Lenin's Student Expense Refund, \$1,350" and "Negro Student Expense Refund, \$710?" A. I do.

Q. What was it? A: That was money that was laid out by the Communist Party to finance the trip of members of the Communist Party who were selected for the Lenin University and the Far Eastern University. The Negro students went to the Far Eastern University, and the Lenin students to the Lenin School.

And the money that was laid out by the Party to finance their trip was refunded by the Communist International.

Q. How did that come into your possession, Mr. Gitlow?

A. Those monthly financial statements were given to every member of the Political Committee and every member of the Central Executive Committee of the Communist Party.

Q. Did you turn that over to the Federal Bureau of Investigation? A. I did:

Q. Mr. Gitlow, can you identify those documents 2417 that have just been handed to you? A. Yes, sir, these are all records of money received from Moscow, from the Communist International, and the manner in which the money was expended in the Party.

Q. How did these papers come into your possession? A. They came into my possession through the handling of this fund, as I already testified, when—

Mr. LaFollette: Which fund is that?

The Witness: With reference to the miners campaign.

Mr. LaFollette: All right.

The Witness: When Foster, and Lovestone, and other leaders of the Party, went to Moscow to attend the Sixth World Congress of the Communist International, in the summer, I think, of 1928.

By Mr. Paisley:

Q. And did you get receipts for some of the expenditures you made? A. I did.

Q. And do you see some of the receipts there, in that group of papers? A. I see the receipts, and a list of the moneys that were received, the date on which they were

received, and some of the money was kept in the custody of the National Office of the Party—all of this is recorded on different slips of paper here.

Q. When you would pay out money, would you  
2418 take a receipt? A. When I paid out money I got a receipt for the same.

2422 (The document previously marked Petitioner's Exhibit 102-A received in evidence.)

By Mr. Paisley:

Q. Now there is a total there of four items, Mr. Gitlow, listed under the word "received."

You say this is in your own handwriting? A. This is in own handwriting.

Q. Can you interpret those figures for us? A. That is received from Nemser, who was the recipient of these funds when they came from Moscow and he turned over \$20,300.

The Julius referred to here who turned over \$1000 received from Moscow is Julius Heiman.

Foster turned over the balance of what he had on hand, of \$3,252, and his stepdaughter, Manly, turned over the balance of what she had on hand, of what she kept, of \$3,350, making a total of \$27,902.

2423 Q. Well, how did you learn that it came from Moscow? A. The matter was reported to the Secretariat, and all these finances were handled by the Secretariat, and that is how I got to know about these transactions.

Q. What does the next group of figures mean, the ones marked "Paid out?" A. That is how the moneys were expended, and what happened.

Q. Did you pay \$1,000 to Markus? A: I paid \$1,000 to Markus, and then, for the conduct of the mining campaign, \$5,179.46; I had on hand at the time I made this, \$1500, and the National Office had of these funds \$21,650.

Q. I didn't get that last. What about the National Office?

A. The National Office had on hand, of these funds, \$21,650.

Q. Who was Markus? A. Markus was the representative of the Communist International to the Communist Party of the United States assigned to do organization work in this country. To help.

Q. You say you gave him a thousand dollars? A. Yes, sir.

Q. Where is the receipt from Markus? A. Right on the back here.

2435 Q. I hand you two documents, Mr. Gitlow, photo-stats of which have been marked for identification: Petitioner's Exhibits 103-A and 103-B, and I will ask you to tell the Panel what they are, if you know.

(The documents referred to were marked Petitioners Exhibits 103-A and 103-B for identification.)

Mr. LaFollette: May I ask, Mr. Turner, which one is "A"?

Mr. Turner: The one reading "Special delegation trip account" is 103-A, and the other is 103-B.

Mr. LaFollette: Very well.

The Witness: Yes, this is an expense—

Mr. Abt: Which exhibit are we talking about now?

Mr. LaFollette: Are you speaking of the one headed "Special delegation trip account"?

2436 The Witness: Yes, this is the special delegation trip account, expense account of the delegation that went to Moscow in 1929 to appeal against Stalin's decision on the Communist Party of the United States. And Lovestone raised some money to finance that trip, and then made a statement of the expenses which he turned over to me as the General Secretary of the Communist Party.

By Mr. Paisley:

Q. How much of that money did Lovestone turn over to you? A. \$924.30.

Q. Do you remember where you were when he turned it over to you? A. I think we were either on board ship or in Europe already. I can't set the time exactly.

Q. Now, tell us about the other page, Exhibit 103-B. A. This was expense money handed to the different members of the delegation, and the amount of money they received and their signatures for the same.

Q. Do you know who distributed the money? A. I distributed the money, and the names are in my handwriting, with the sums next to them, and the signatures are below.

Q. You were then travelling as James Hay? A. That is right.

2437 Mr. Paisley: We offer both documents in evidence before we ask any questions about their contents.

Mr. Abt: May I ask one question with reference to 103-A?

Mr. LaFollette: Yes.

Mr. Abt: Whose handwriting do you say that is?

The Witness: Which is that?

Mr. Abt: 103-A.

The Witness: That is in the handwriting of Jay Lovestone.

2438 Q. How many were there in this delegation? A. I think we were about ten.

Q. You went along? A. Yes.

Q. Lovestone? A. Lovestone—let's see if I can remember them all—there was Lovestone, myself—that is two—Bedacht was three, Eddy Welsh was four, White is five, Ella Reeves Bloor, six, Noral was seven, Huiswood was eight. There might have been some more, I can't think of any now. I think there was a fellow by the name of Miller from Detroit, making nine.

Q. You may refer to those signatures, if you want to, to refresh your recollection. A. And Meyerscough was the tenth.

Q. Will you look at the second page there? A. Yes.

Q. How about the second name, John— A. Jukubowski. That evidently is the name of one of the delegates who travelled on a false passport. The only ones who travelled on legitimate passports were William J. White and Otto Huiswood.

Q. Did any of this money listed under "Money received" come from the Communist International? A.

On this list?

Q. Yes. A. No. That was money raised—it was an extreme emergency and was raised very quickly and did not come from the Communist International, but was repaid by the Communist International.

Mr. LaFollette: Was repaid?

The Witness: Yes.

By Mr. Paisley:

Q. Who is this "Golos" who apparently loaned you two thousand dollars? A. Golos was a charter member of the Communist Party who belonged to the Russian Bureau of the Communist Party and was connected with the Technical Aid Society and headed the World Tourist Organization, and was also a member of the espionage organization of the Russian Government.

Q. Known as? A. I know him under the name of Golos.

Q. What was the espionage organization? A. Well, the GPU. He was a member of it.

Q. Do you note the next item there, Mr. Gitlow, "Marcus, fare, \$222.31"? A. That is right.

Q. Do you recall what that item was? A. He returned 2440 to the Soviet Union, and we supplied him with his fare back. He was the representative of the Communist International.

Q. Well, apparently that is a receipt of funds, \$222.31? A. That is right.

Q. Going to make up this total of \$3,173.05? A. Yes.

Q. That you had to spend on this trip? A. Yes, that was the return for Marcus' fare, who had gone back to Russia, and they made up this sum, out of which the expenses for the delegation were paid:

2445 Q. Well, tell us about International Publishers, Mr. Gitlow:

2446 The Witness: International Publishers is the publishing house of the Communist International in the United States.

By Mr. Paisley:

Q. Was it held out to the public as such? A. No. It was held out to the public as a legitimate publishing house. No ties with the Communist International.

2462 Q. Mr. Gitlow, I notice the use of the word "Trotzkyism" in this document in several places.

Is that a word that occurred frequently in writings circulated by the Party? A. Yes, sir, that occurred frequently in documents and theses and programs issued by the Communist Party when Trotzky fell in disfavor with the other top leaders of the Communist Party of the Soviet Union, and as a result of that Trotzky became a mark to attack, and attack very sharply, and the word "Trotzkyism" was created to signify a system of deviation from the official line of the Communist Party of the Soviet Union, and from the Communist International, and Trotzky, the great hero, became the target for abuse and attack throughout the International Communist movement.

Q. Would you say that it came to have that meaning to members of the Party generally? A. Yes, sir, sure.

2470 Do you recall your first visit to the Soviet Union, in 1927? A. I do.

Q. At that time, did you have any discussions with Joseph Stalin, himself? A. I did. I had a discussion with Joseph Stalin in 1927. The discussion took place at his office at the Headquarters of the Central Committee of the Russian Communist Party.

Q. And what was the occasion for your meeting with him? A. The occasion for my meeting with him is that Joseph Stalin wanted to have a personal interview with me, and to ask me a number of questions and to give his  
2471 own personal opinions on affairs in the United States.

Q. And what was your position at the time? A. At this time, in 1927, I was sent by the Communist Party of the United States at the special request of the Communist International to attend the Plenary sessions of the Executive Committee of the Communist International.

I was a member at the time of the Politburo of the Communist Party of the United States and of its Central Committee.

Q. Was anyone else present when you had your discussion with Stalin? A. There was.

Q. Who else was present? A. Present was John Pepper and Jay Lovestone and I think Robert Minor. I am not sure.

Q. How long did the conversation last? A. Well, the interview with Stalin lasted about an hour and a half.

Q. What did you discuss? A. Well, Stalin addressed his questions to me on economic conditions in the United States, the number of salaried workers in the United States, on the possibility of a revolutionary situation in the United States, and so forth, a number of very pertinent questions concerning the economic, social, and political affairs of the United States.

2472 Q. Do I understand that you discussed the possible revolutionary situation in the United States? A. We did at that time.

Q. Did he have any suggestion that you remember? A. Yes, he was of the opinion that we faced no immediate revolutionary situation in the United States in 1927, and he was of the opinion that the Communist Party should make a very serious effort to get a foothold in the Trade Union movement of the United States, and also should work out a program for social legislation and conduct, a very energetic campaign on behalf of social legislation in the United States.

He said that this was essential in order to attract to the Communist Party a much larger membership, and to await a sharpening of the economic and social situation in the United States for future revolutionary activity.

Q. Now, you went back in 1928 again? A. Yes, sir.

Q. And it was in 1929 that you were finally expelled, was it? A. I was expelled in 1929.

Q. Were your relations with the Communist International and its officials, in 1928, good? Were you in disfavor at all? A. Not in 1928.

2479 Q. Go ahead. You can tell what your associates in this leadership of the Party told you about what went on. Go ahead. As a result of the situation, which you have described, did any factionalism develop in the Communist Party of the United States, or had it theretofore existed? A. As a result of this situation there developed in the United States a very intense and bitter factional situation in the Communist Party, in which the Foster group conducted a campaign against the leadership of the Communist Party in the United States, that they were Bukharinists.

That came to a head in the calling of the convention of the Communist Party in 1929—the beginning of 1929, in February.

2480 Prior to the calling of that convention, the Executive Committee of the Communist International had

made certain decisions concerning the Communist Party of the United States.

When the convention was called into existence, the leadership in charge of the Party had secured 90 per cent of the delegates to the Sixth Convention of the Communist Party, which was held in New York City, and the Foster group had approximately ten per cent of the delegates to that convention.

On the eve of the convention, we received two representatives from the Executive Committee of the Communist International, with decisions which they claimed had the approval of Joseph Stalin.

These decisions were hinted to our Party before the Convention took place in reports which we received from our representative to the Communist International, Bertram D. Wolf, who claimed that the Executive Committee of the Communist International was considering proposals for the American Party which would virtually remove the present leadership of the Party from control of the Party organization.

When Mr. Dengel—

Q. Wait a minute. That is D-e-n-g-e-l, is it? A. That is right.

Mr. LaFollette: Who was he?

The Witness: He was one of the two representatives a member of the Communist Party of Germany.

Mr. LaFollette: Excuse me again. I want to ask you something. A few minutes ago you said that on the eve of the convention, "we received two delegates from the Communist International."

The Witness: That is right.

Mr. LaFollette: Identify for me who "we" is.

The Witness: I mean the Communist Party received.

Mr. LaFollette: Now may I ask you, do you mean the Secretariat, the Political Committee, the Executive Committee, or whom do you mean?

The Witness: When I speak of "we," these two delegates were sent to the convention of the Communist Party of the United States, and to the Communist Party of the United States.

Mr. LaFollette: And they arrived on the eve of the convention?

The Witness: They arrived on the eve of the convention, and Lovestone, Bedacht, Minor, and myself, received these two delegates.

Mr. LaFollette: All right.

By Mr. Paisley:

Q. One of them was Pollitt? A. The other was Pollitt, a member of the Communist Party of Great Britain.

2482 Q. Do you know whether he is still alive or not?

A. Harry Pollitt is still alive, I think.

Q. Do you know what he is doing? A. He is a leader of the Communist Party of Great Britain.

Q. What about Dengel? Do you know anything about him? A. I don't know anything about him.

Q. All right, go ahead. A. The leading faction of the Communist Party of the United States conferred at length with Harry Pollitt and Dengel. There were times when our conferences with these two representatives lasted all night long, or 24 hours at a stretch.

The ones that conferred with the two representatives representing the majority at the convention consisted of myself, Jay Lovestone, Robert Minor, Max Bedacht, and Jack Sachel.

It became evident immediately that the delegates from the Executive Committee of the Communist International were carrying iron-bound instructions.

Mr. Abt: Mr. Chairman, I object and move to strike out. Let the witness tell what happened.

Mr. LaFollette: I think that is correct. State the facts from which you reached that conclusion. I mean, what they said, or what they did, or who they spoke to.

The Witness: They reported, at these meetings—  
 2483 Mr. LaFollette: This is Dengel and Pollitt?

The Witness: Dengel and Pollitt.

Mr. LaFollette: All right.

The Witness: —that Stalin was dissatisfied with the leadership of the Communist Party of the United States because they were supporters of Bukharin in the Communist International, and for that reason could not be trusted. He proposed that Jay Lovestone put himself at the disposal of the Communist International for work outside of the United States—in other words, that he should be removed from the affairs of the Communist Party of the United States, and work directly under the Executive Committee of the Communist International.

The same proposal was made for a member of the Foster faction, Alexander Bittelman.

• In the composition of the Central Executive Committee that was to be elected, the instructions provided that a majority—the orders, rather, that Dengel and Pollitt gave us, provided that a majority of the Central Executive Committee shall be composed of the Foster group, and that William Z. Foster should be elected the General Secretary of the Communist Party, even though he had only ten per cent of the delegates at the convention, of the Party.

• • • • •  
 2486 Q. Mr. Gitlow, I believe we had reached the point  
 2487 where, at the convention, you had elected your officers, and so on.

Now will you proceed from that point, please, on this matter of your expulsion? A. From that point, after we elected the officers, we decided to elect a delegation to elect a delegation to proceed to Moscow to present the case of the Communist Party of the United States, and to appeal against the decisions made, which were presented to the convention by Phillip Dengel and Harry Pollitt.

We elected a delegation, which consisted of Jay Lovestone, myself, White, Ella Reeves Bloor.

Q. Is it the same group whose names were listed on the expense sheet? A. It is the same group whose names were listed on that sheet.

2501 A. In addition to that, the chairman of the committee of three was designated as the plenipotentiary of the Executive of the Communist International, with full powers over the Communist Party of the United States.

He was given specific power to nullify any decision that any committee, or any branch of the Communist Party of the United States made, or would make.

He was also given the power to expel any member of the Communist Party he wanted to expel, or he thought necessary to expel.

He was given power over all the press, and auxiliary organizations of the Communist Party—was given the power to remove any person from any job in the Communist Party.

He was also provided with a fund to carry on his work, and to see that the decisions were effectively carried out.

Then in reference to the Daily Worker, he was given an additional sum of \$100,000, that in the event the Party lost control of the Daily Worker, this \$100,000 was to be the

means for establishing a daily newspaper for the  
2502 Communist Party, loyal to the Communist International.

These were the organizational decisions that were made at the meeting of the Executive Committee of the Communist International, and accepted by the Executive Committee of the Communist International.

By Mr. Paisley:

Q. You at that time, I take it, had not been formally expelled? A. No, I was not yet formally expelled from the Communist Party.

Q. Well, did that end the hearings? A. The question of my expulsion was pending my return to the United States, and whether or not at that time I would or would not accept the decision of the Communist International in the address.

Q. Do you mean that you and Lovestone and the others who had opposed it, still had an opportunity to change your minds when you got back to the United States? A. That is right.

Q. Well, what happened after this decision was read by Molotov? A. After this decision was read by Molotov, Bedacht and Weinstone and Foster, who had voted in favor of the delegation, were permitted to return to the United States.

The others were kept in Moscow until the plenipotentiary head of the delegation had arrived in the United States to take charge of the affairs of the Communist Party.

2524 Q. As I understand, your answer was that the  
Communist Party of the United States did send rep-  
2525 resentatives to other countries? A. It did.

Q. Did it do that on its own, or otherwise? A. Sometimes on its own, and more often on instructions from the Communist International.

Q. And do you know of any individuals who were sent to any other countries, other than Soviet Russia, on instructions of the Communist International? A. I do.

Q. Would you name them? A. Well, there was Harrison George, H. W. Wicks, Earl Browder, William F. Dunne, and others.

Q. How about Zack, otherwise known as Cornfetter? A. He went to, I think, Bolivia.

Q. Do you recall any other representatives than those you mentioned in your testimony, who were sent to Moscow as representatives of the Party in this country? A. Well, I will try to record as many as I can remember.

Louis C. Fraina, John Reed, Nicholas Hourawich, Israel Amter, J. Louis Engdahl, Robert Minor, Max Bedacht, Harrison George, Earl Browder, H. M. Wicks.

2526 Q. Did the Communist International ever send any money through the Communist Party of the United States to representatives in other countries?

The Witness: Yes, the Communist International sent funds through the American Communist Party for transmission to the Communist Party of Mexico and the Communist Parties in South America, and to finance certain activities in the Far East and particularly the activities of Earl Browder, who had an office in Shanghai.

Mr. Paisley:

Q. Did the Communist Party of the United States, during the time you were one of its members and leaders, contribute any money to the Communist International? A. During the time I was officially tied in with the Communist Party of the United States, we never contributed a single nickel to the Communist International.

Mr. Paisley: This might be repetitious. I don't think it is. But I will ask the specific question.

By Mr. Paisley:

Q. Did the Communist International contribute any money to the political campaign, in 1924, when you and Foster ran for vice president and president respectively? A. The Communist International contributed to that campaign 50 thousand dollars.

## 2536 Cross Examination

By Mr. Marcantonio:

Q. When is the first time you heard about the Trade Union delegation that was to go to the Soviet Union, Mr. Gitlow? A. It was somewhere around 1927, I think.

Q. But a delegation was finally organized, you say, by the Communist Party; is that right? A. That is right.

Q. The membership of the delegation, was that communist? Were the members of that delegation communists? A. The actual members of the delegation were not members of the Communist Party.

Q. Then, who were members of the Communist Party? A. The technical staff and the head of the technical staff, Dunn, was a secret member of the Communist Party.

Q. So you say the technical staff were members of the Communist Party; is that right? A. Practically all of them.

Q. Practically all of them? A. Yes.

Q. And Mr. Dunn, you testified, I believe, was the secretary of the staff, is that right, of the delegation? A. That is right.

Q. If I recall your testimony correctly, you say that the Communist International sent somebody over here to get this delegation established; is that correct? A. Yes, they sent someone to conduct a campaign for getting of the delegation organized.

Q. I see. That man's name was Purcell; is that right?  
A. That is right.

2547 Q. The fact, though, is that the International Federation of Trade Unions was not a Communist organization? A. It was not a Communist organization, though it had Communist forces inside of it.

2553 Q. Coming back to Purcell, what position did he hold in the British Trade Union Congress?—You say you don't know? A. I said I didn't know. I don't recollect.

Q. Do you know what position he held in the International Federation of Trade Unions? A. I don't recall.

Q. Do you know if Mr. Purcell came to attend the American Federation of Labor Convention here in 1925?

A. That—now you refresh—that was one of his  
2554 reasons for coming here, too.

Q. So that now you have two reasons for him coming here? A. Yes, sir.

Q. One as a Communist International Agent to organize— A. That is right.

Q. Just a moment.

Mr. LaFollette: Let him finish the question.

By Mr. Marcantonio:

Q. —to organize this Trade Union delegation to the Soviet Union, and second, to attend the American Federation of Labor Convention, is that right? A. That is right, at which Convention he made a strong plea for the Soviet Union.

Q. And he came here, did he not, as a fraternal delegate to the American Federation of Labor Convention? A. That is right.

Q. As a matter of fact, was not Mr. Purcell president of the British Trade Union Congress in 1924? Do you know? A. That I could not tell you.

Q. Was he not president at the time he visited the United States, of the International Federation of Trade Unions?

A. He may have been. I cannot tell you at this time.

Q. Was he or was he not a member of the British House of Commons at that time, as a labor-member? A. 2555 That I don't recall.

Q. Would it refresh your recollection if at this time I read the introduction given to him by President of the American Federation of Labor, which described the various offices that he held?

Mr. Marcantonio: For the purpose of the record, I 2556 am now reading from the report of the proceedings of the Convention of 1925, American Federation of Labor, page 143.

"President Green: Now, fellow delegates,"—I will skip a lot of the introduction. I simply want to read that portion in which he describes the next speaker, Pureell.

Mr. LaFollette: This is another page. Will you read that into the record, please?

Mr. Marcantonio: Page 139. "The two fraternal delegates from Great Britain are Brother A. A. Pureell and Brother Ben Smith. Brother Pureell will be the first speaker. He has long been engaged in Trade Union work in Great Britain. He is a member of the Furniture Workers Association, is an organizer of that Association. He is now a member of the General Council of the British Trade Union Congress, and last year served with honor and distinction as its president.

"He was recently elected, from a coal-mining constituency, as a member of the British Parliament.

He is the president of the International Federation of Trade Unions.

"There are honors that have been placed upon him by the working people of Great Britain and the working people

of the European Continent. Surely this ought to serve as a splendid introduction to this Convention and to the American people. Without any further remarks, I feel highly pleased that I am permitted to present to you this morning, Fraternal Delegate, A. A. Purcell."

By Mr. Marcantonio:

Q. Now, does that refresh your recollection as to the positions that Mr. Purcell occupied in Great Britain, and in the International Federation of Trade Unions? A. I take it for granted that if he received that introduction from William Green, that he held those positions.

2564 Q. Is it not a fact that the Secretary of that delegation, known as the American Trade Union delegation to the Soviet Union, was Albert F. Coyle? A. Albert F. Coyle may have been the Secretary to that delegation, but the actual one who did all the secretarial work and drew up the report for the delegation was Robert W. Dunn, and Albert F. Coyle was also one who worked very closely with the Communist Party, got instructions from the National Office of the Communist Party, and has a long record of association with the Communist Party and with the Soviet Union.

Q. And you said that Mr. Dunne was a secret member of the Communist Party, didn't you? A. I certainly did.

2569 Q. Do you know who George S. Counts is? A. I do.

Q. He was Chairman of the Liberal Party in New York City, wasn't he, about a year or two ago? A. Yes. 2570 he was connected with the Liberal Party.

Q. Do you know whether or not he was a member of that Technical Staff? A. George S. Counts was a member of that Technical Staff, and at the time that he was a

member of that Technical Staff, he was strongly pro-Soviet and collaborated very closely with the leadership of the Communist Party.

Q. Was Rexford Guy Tugwell a member of that Technical Staff? A. He was.

Q. Was Paul H. Douglas, who is now United States Senator from the State of Illinois, a member of that Technical Staff? A. He was.

2571 Q. Was he a Communist? A. No, he was not.

Q. Was Rexford Guy Tugwell a Communist? A. No, he was not.

Q. Was Carlton Washburn a Communist? A. I cannot recall.

Q. Was he a member of the Technical Staff? A. If you are reading from that report and they put him down there, he was one of the members.

Mr. Marcantonio: Do you recall any other members of that Technical Staff?

The Witness: I can't, but if I had the report before me, I could go through all the names.

By Mr. Marcantonio:

2572 Q. I show you a copy of this report.

2573 Q. Mr. Witness, I now show you exhibit marked for identification CP-L, and ask you to look at it. And I ask you whether or not you can identify that document? A. I can.

Q. What is it? A. That is the report of the Trade Union Delegation to the Soviet Union.

2580 Q. Now, Mr. Witness, I direct your attention to that portion of Exhibit CP-1, which is Page VI, with the subheading "Technical and Advisory Staff."

I will read the names under that subheading:

J. Bartlett Brenner, Ph.D., Assistant Professor of History, Columbia University, Oxford University, University of Tampa.

Was he a member of the Communist Party? A. I don't know whether he was or not.

Q. I now read the second name: Stuart Chase, Director, Labor Bureau, Inc., and Certified Public Accountant, Massachusetts Institute of Technology and Harvard University, author "Tragedy of Waste," and so forth.

Was he a member of the Communist Party? A. He was not a member of the Communist Party, but he collaborated closely—

2592 Q. Would it refresh your recollection, as to what Mr. Purcell said—do you know what Mr. Purcell said at the American Federation of Labor convention? A. I do not.

Q. You do not? A. Not at this time, I don't.

Q. Did you know at that time, in 1925? A. I read about it at the time.

Q. Would it refresh your recollection, then; if I read a couple of paragraphs from these proceedings, as to what Mr. Purcell said?

2594 The Witness: Yes.

By Mr. Marcantonio:

Q. So that now you do recall what Mr. Purcell said? A. Yes, sure.

2597 Mr. Paisley: May I ask him just one question going to the weight of it?

Mr. LaFollette: Yes.

Mr. Paisley: As I understood you, Mr. Gitlow, you read from that book there, and as I understand you answered "yes."

The Witness: That is right.

Mr. Paisley: What does that mean, that you have read the speech, or that it appears to be the speech you read in a newspaper, or what?

The Witness: It refreshes my recollection as to what he said.

Mr. Paisley: Were you there when he made the speech?

The Witness: No, I was not there.

Mr. Paisley: But it refreshes your recollection as to what you read?

The Witness: That is right.

Mr. Paisley: In a newspaper?

The Witness: That is correct.

Mr. Paisley: Purporting to be a report of the speech?

The Witness: That is right.

Mr. Paisley: I see. All right.

2599 Mr. LaFollette: Will you read that part which has been indicated, Mr. Gitlow?

The Witness: This is Purcell's remarks:

"I have been to Russia"—

Mr. Marcantonio: May the record indicate that this is Purcell's speech at the A.F.L. convention in 1925.

Mr. LaFollette: If it doesn't already show that, it may. Proceed.

The Witness: "I have been to Russia. There I have seen the workers assuming vast responsibilities and duties, carrying through the organization of society under frightful difficulties. As a workman I am proud of the genius for organization and the essential grit of things which my class in Russia has displayed.

"Just as your President sent that warm and helpful letter on behalf of the Chinese Workers, demonstrating thereby a desire to help those Chinese workers in their difficulties, so I want you to approach the question of relation with the workers of Russia. Let the same generous spirit prevail. The times we live in are too big, too fraught with fate, to permit of little prejudices, barring the way to human relationship.

"Russia is a very big place—the Union of Socialistic Soviet Republics occupies one-sixth of the land surface of the globe. It is an enormous factor in the world—a 2600 tremendously powerful factor in the life of the world.

Just recently I read in the Press that a great business concession amounting to millions of dollars was granted by the Russian Government to one of your leading firms. Many American capitalists and financiers have been to Russia endeavoring to set up business deals. There is illimitable wealth in Russia.

"The soil of Russia is rich, the mineral resources of Russia are enormous, the timber, flax, hides and raw materials of Russia generally are plentiful. Given a few good harvest years and Russia will become one of the wealthiest countries in the world.

"I have seen the foundations of the biggest electrification scheme in the world being laid down in Russia. The Russian people are a great people—strong, patient, hard-working and clever. And they number 150 millions. These people, these workers and peasants are building up a new economy and a new life, keenly and rapidly adopting to their use all the latest developments in science and industry, the most up-to-date machinery, the most modern and technical devices.

"I say that you, workers of America, have much to learn from Russia. We must not be afraid of new ideas. It has often struck me that while the Americans have been the most advanced—the most receptive—in ideas concerning mechanical inventions and business organizations, they

2601 have been most slow in accepting new social and political ideas.

"I do hope that from now on, the organized workers of America will establish the closest fraternal relations with the organized workers of Russia. Just as the General Council of the Trades Union Congress, representative of the whole Trade Union movement of Britain, has sent delegations to Russia, so I hope and trust the American Federation of Labor will do the same.

"Do not be afraid of being called names. Were Abraham Lincoln, Sam Gompers, or Gene Debs, those great sons of the American people, ever afraid of being called names, or being reviled, maligned, and persecuted?"

By Mr. Marcantonio:

Q. One other question: Do you know whether or not this report was shown to the members of the technical staff, whether they were aware of its contents? A. I never received the report that it was.

Q. You don't know? A. I don't know.

Q. And yet, these members of the technical staff were active with this delegation, were they not? A. Some were, some were not.

Q. Well, you said that they surrounded the delegation, did you not? A. Some did. Some were very active with the delegation.

2602 Q. You don't know whether or not they were aware of the contents of the report? A. All of them, no.

Q. And you still say, now, that Mr. Purcell, member of Parliament, and so on, was here as an agent of the Communist International? A. I do.

2618 Did you discuss this case with ex-Communist Party members? A. With ~~ex~~-Communist Party members?

Q. Yes. A. Yes, I discussed it with ex-Communist Party members.

Q. With whom? A. I discussed the case with Benjamin Mandel, an ex-Communist Party member.

Q. Before you go further, who is Benjamin Mandel? A. Benjamin Mandel is working with the—at the present time he is working, I think, in a research capacity for the special committee set up by the Senate on subversive activities.

Q. He is working on Senator McCarran's Staff, is he not? A. I know a committee was elected by the Senate and he is working for that committee.

Q. Is that the committee of which Senator McCarran is the chairman? A. It is.

Q. And he is working for that committee? A. That committee.

Q. In a research capacity? A. I think so.

2619 Q. When did you discuss this case with Mr. Mandell? A. I discussed this case last night with him.

Q. Was Mr. Kornfedder present when you discussed it with Mr. Mandel? A. He was present in the room, but he did not participate in the discussion.

Q. So there were three of you in the room at that time? A. Oh, more than three.

Q. Who else was in the room? A. Well, there was Forrest Davis and his wife.

Q. Forrest Davis? A. Yes.

Q. Is he an ex-member of the Communist Party? A. 2620 No, he is not.

2628 Q. All right. We come to last night. You say you did discuss this case with Mr. Mandel last night? A. Yes.

2629 Q. What did you tell him? A. I told him of the procedure that was following here, of the testimony

I gave, the number of weeks, and the strain of giving this testimony and so forth.

Q. Did you tell him that you needed his testimony to corroborate yours? A. No, I did not know he was going to be a witness.

2834 Q. I now ask you, Mr. Witness, if you were asked these questions and if you made these answers. I am reading from page 724 of the transcript of May 7:

"Q. Those minutes seem to me very largely dealing with the miners situation in the anthracite coal fields.

Had the Communist International at that time indicated any interest in this situation?

"A. The Communist International had indicated great interest in the miners' situation in the United States, and had instructed the Communist Party to carry on a campaign among the members of the United Mine Workers for the purpose of defeating the presidency of John L. Lewis, and it went to the extent of subsidizing that campaign."

2835 Were you asked that question and did you make that answer? A. I was and I did.

Q. Were you asked this question, and did you make this answer:

"Q. In what manner did it subsidize the campaign against Lewis?

"A. Over a long period of time it subsidized it with contributions to the Communist Party for this specific work."

Were you asked that question and did you make that answer? A. I did.

Q. Were you asked this question and did you make this answer:

"Q. To what extent? Do you have any idea to what extent?

"A. Well, the extent varied, depending upon the particular time. Sums ran from twenty-five to fifty thousand dollars at a time."

Do you remember being asked that question and making that answer? A. I did.

Q. Then the transcript shows that there was an offer of the exhibit, the minutes of the Political Committee of 2836 January 18, 1928, that Mr. Abt objected to, that Mr.

LaFollette made a ruling, and the Petitioner's exhibit was marked for identification and received in evidence.

Now, you testified before the so-called Dies Committee in 1929, did you not? A. I did. Not in 1929.

Q. 1939? A. Yes.

Q. Do you recall making this statement, page 4557 of the proceedings of those hearings:

"So we started a campaign against John L. Lewis. We were supported very handsomely by Moscow in that campaign. I remember personally two installments of funds for this campaign, in which we got at one time \$50,000, and another time \$50,000, making a total of \$100,000."

Do you recall making that statement? A. I don't recall making it, but it is in line with what I testified here.

2837 Q. If you don't recall, I will show you the testimony before the Dies Committee on page 4557, and ask you if it refreshes your recollection, that portion that has a bracket on the side of it.

Mr. Paisley: Recollection as to what?

Mr. Marcantonio: As to whether or not you made that statement, Mr. Witness.

The Witness: I made that statement.

By Mr. Marcantonio:

Q. I now read from page 123 from a book allegedly written by the witness, "The Whole of their Lives," and I will ask you, Mr. Witness, if you recall making this statement:

"When the \$100,000 was spent, Moscow sent more money—subsidies to continue the fight—subsidies for special miners' papers—subsidies to hold national conventions of progressive miners to bribe miners' officials and to pay for an army of Communist organizers in the mining fields before the fight was over, in the year 1928, when the communists organized their own miners union—the National Miners Union—Moscow had spent over a half million dollars to smash Lewis and the Communist Party in 1928. I increased that sum by an additional \$200,000," and so on.

Do you remember making that statement? A. I do.

Q. Did you testify under oath before the Dies Committee? A. I did.

Q. And you testified here that everything you stated in both of your books was true, did you not? A. I did.

\* \* \* \* \*

2839 Q. I now read from page 727 of the transcript of May 7, 1951:

"Q. Had you been in Moscow recently, at this time?

"A. I was in Moscow at the beginning of 1928.

"Q. Did you discuss this coming political campaign?

"A. I did.

"Q. In Moscow?

"A. In Moscow."

Were you asked those questions and did you make those answers? A. I did.

Q. "Q. Was anything said over there about finances?

"A. There was.

"Q. Will you tell the Panel what was said?

"A. The Executive Committee of the Communist International decided to contribute 35 thousand dollars to the election campaign of the Communist Party, in the United States."

Were you asked those questions and did you make those answers? A. I did.

Q. At the bottom of page 728 of the transcript of the same day, did you make this answer:

2840 "A. The Executive Committee made a decision to contribute 35 thousand dollars to help the campaign"—

A. I did.

Q. —“the election campaign, of the Communist Party in 1928, and when I left Moscow for return to the United States to be present at the nominating convention, which was held in New York City, I got instructions from the Executive Committee of the Communist International to stop over in Berlin to pick out an advance of \$3,500 for the American Communist Party.

“Q. Did you do that?

“A. I did.

“Q. Did you bring it back with you?

“A. I did. I brought it back with me in cash, and turned it over to Jay Lovestone, who was then acting as the general secretary of the Communist Party.”

Were you asked those questions and did you make those answers? A. I did.

Q. Now, you testified in the case of Harry Bridges, did you not? A. I did.

Q. Do you remember being asked questions and making answers at that hearing? A. I don't remember the  
2841 questions, but you can read them, maybe it will refresh my recollection.

Q. No, but you were asked questions, and made answers to questions? A. Yes.

Q. Referring to page 837 of the transcript of the record, Volume II.—this is a record filed in the Circuit Court of Appeals, Mr. Paisley.

Mr. Paisley: Yes sir.

By Mr. Marcantonio:

Q. Were you asked these questions and did you make these answers:

"Q. Is it owned and operated by the Communist Party?"

The answers will reveal what we are talking about here.

"A. It was owned and operated by the Communist Party from the beginning up to the present time."

Referring to the Daily Worker.

"Q. Did you ever bring any money from Moscow for use by the Daily Worker?"

"A. Yes, I brought money here in 1928.

"Q. In 1928?"

"A. Yes.

"Q. How much?"

"A. I brought an initial \$3,000 of a fund of \$35,000, which was donated by the Communist International for our Presidential campaign that year."

Do you remember being asked those questions and making those answers? A. I don't remember, but the answers are the kind of answers I would have given.

Q. That you would ordinarily give? A. Yes.

Q. Now, do you remember this question:

"Q. Did you bring any other moneys?"

"A. No, I personally never did."

Do you remember that answer? A. If it is in there.

Q. Well, it is in there. A. But it would be my answer.

Q. I will show it to you. I ask you if it refreshes your recollection? A. It doesn't refresh my recollection, this particular answer.

2845 Q. Then, Mr. Witness, would you say that the amount in here is an error, and that it has always

been \$3,500? Is that your testimony? A. That is right. That is my testimony.

Q. That is your absolute and unchangeable testimony at this time? A. That is right.

Q. \$3,500? A. That is right.

Q. And you never said anything else? A. No.

Q. And, therefore, you say that this amount here, of \$3,000, is an error? A. That is right.

Q. And incorrectly reported? A. That is right.

Q. Well, let's see. Did you testify about this particular matter in the case of Lauer versus Butterworth, that is the University of Washington Case? A. I did.

Q. And you testified on those? A. I did.

Q. I now read from page 823, the following statement, page 823 of your testimony, Mr. Witness, in the transcript of the proceedings of November 12, 1948, before the Faculty Committee on Tenure and Academic Freedom, in the case of Edward H. Lauer, Complainant, versus Joseph Butterworth, et al., Respondents, held at Walker Ames Room at Farrington Hall, Volume 9 of the testimony.

Did you testify in that proceeding? A. I did.

Q. Do you recall making this statement:

"And I myself brought over a sum, for starting the campaign in 1928, the Presidential campaign in 1928, I brought over the initial sum of an allotment of \$50,000, in the sum of \$5,000 in American bills. So that is the manner in which the expenses were paid by Moscow, of the American Communist Party."

Do you recall making that statement? A. I do not.

2849 Q. Now, Mr. Witness, you were under oath in your testimony in the case of Lauer versus Butterworth, were you not? A. I was.

Q. And you now say that the amount that you mentioned in that testimony was \$3,500? A. I do.

Q. And did you say that the initial sum was \$50,000 or \$35,000? A. \$35,000.

Q. \$35,000? A. Yes.

Q. And the sum was \$3,500 all the time? A. That is right.

2850 Q. All right, let's see. You wrote about this in your book, "I Confess," did you not? A. I did.

Q. I now call your attention to page 496 of your own book, "I Confess," and I ask you if you made this statement:

"Of course, the seeds of that totalitarianism already existed during the Lovestone-Gitlow regime. For example, I returned from Moscow to attend the 1928 Presidential convention of the Party with \$5,000 in my jeans, as the first installment of a Moscow contribution of \$35,000 to our Presidential campaign."

Do you recall writing that? A. If it appears there, it is an error.

Q. Well, you say "if it appears there." I will show it to you and ask you if it refreshes your recollection as to whether or not—now get the question—as to whether or not you wrote it? A. I wrote the book, but I don't recall writing "\$5,000." It is \$3,500."

Q. Is there anything else in that book you don't recall writing? A. There were a few errors in the book.

Q. Mention them. A. I can't mention them at this time.

2851 Q. But you say this is an error, the \$5,000? A. That is right.

Q. Did you ever state at any other time that it was an error? A. I was never asked that question.

Q. You have read the book, haven't you? A. I have.

Q. You have read it—it has been called to your attention, your own book, several times, has it not? A. That is the first time that particular item was called to my attention.

Q. But you testified, in the Butterworth Case, before the Dies Committee, and here, about this item? A. I testified before the Dies Committee and before this hearing, about this item, and before you brought up the Bridges Case on this item, and the Butterworth Case.

Q. And now you say that the \$5,000, in your own book, is an error? A. That is right.

Q. You read the proof of your book, did you not, at the time it was printed? A. I did.

Q. This was quite an important item in your book, was it not? A. It was.

2852 Q. In fact, it was the only time you would say you ever carried any money from Moscow to the United States? A. That is right.

Q. So it was quite an important incident in your career, wasn't it? A. It was.

2853 Q. Mr. Witness, did you discuss the testimony that you gave during the recess? A. I did.

Q. What phase of it did you discuss with him? A. I discussed all phases of it.

Q. You discussed every phase of it with him? A. Yes, sir.

Q. Are you straightened out, now, as to anything you want to change? A. There is nothing I want to change.

Q. You still say that your own book, and the record of your testimony in Lauer v. Butterworth, and in the Bridges Case, did not represent your testimony on that particular item of \$3500? A. Some parts do, some parts don't.

Q. I am talking about the 35 hundred dollars versus the five thousand dollar figure.

Does it represent your correct testimony, on that point? A. I think I have answered all those questions.

Mr. Marcantonio: He qualified it, Mr. Chairman.

Mr. LaFollette: Yes, but that question is not quite intelligible to me, Mr. Marcantonio. Go back and ask  
2854 it again.

Mr. Marcantonio: All right, I will withdraw the question.

By Mr. Marcantonio:

Q. Was your testimony as to the 35 hundred-dollar item correct in Lauer vs. Butterworth, as shown in the transcript of that hearing? A. The transcript is wrong.

Q. That is all I want to know.

Was it right or wrong with respect to that particular item in the Bridges case? A. What was right or wrong? I don't know what you are talking about.

Q. With respect to the 35 hundred dollars item:

Mr. LaFollette: The transcript.

By Mr. Marcantonio:

Q. Was the transcript right or wrong? A. It was incorrect with reference to the \$3500.

Q. And the portion in your book, which says \$5,000, is that right or wrong? A. It is incorrect.

Q. Did you make a memorandum to the FBI on this subject, in any manner, shape or form? A. I don't recall.

2860 Q. I now read from the transcript of the hearing, page 825, Mr. Witness, beginning with the question by Mr. Paisley:

"Q. Proceed, Mr. Gitlow."

Did you make this answer:

"A. In addition to that, the Chairman of the Committee of three was designated as the plenipotentiary of the Executive of the Communist International, with full powers over the Communist Party of the United States."

A. I did.

Q. Then I skip the next two paragraphs, that I don't believe are relevant for this purpose, and then continuing the answer, did you make that statement:

2861 "He was given power over all the press, and auxiliary organizations of the Communist Party, was given the power to remove any person from any job in the Communist Party.

"He was also provided with a fund to carry his work, and to see that the decisions were effectively carried out.

"Then in reference to the Daily Worker, he was given an additional sum of \$100,000, that in the event the Party lost control of the Daily Worker, this \$100,000 was to be the means for establishing a daily newspaper for the Communist Party, loyal to the Communist International."

Did you make that answer? A. I did.

Q. Is that statement true? A. To the best of my knowledge, it is true.

Q. Well, you said you heard him make that decision? A. I did.

Q. You are certain in that he said \$100,000 was to be turned over for the purpose of establishing another newspaper in the event that your group lost control of the Daily Worker? A. To the best of my recollection that is what was said.

Q. Is there anything about that recollection that you want to tell us has been changed now, since you testified on direct examination? A. No, there is not.

Q. Your group did not retain control of the Daily  
2862 Worker, did it? And so the money was not transmitted, was it? A. That I have no knowledge of.

Q. To your knowledge it was not transmitted, was it? A. I know nothing about that. I was out of the Party.

Q. Now you testified about this matter, with respect to the Daily Worker—I withdraw that question.

Rather with respect to the 1929 meeting, which you have described here on page 826, as to the decision, you testified in 1941 about it before the Rapp-Coudert Committee, did you not? A. I may have.

Q. Do you remember whether or not that you did? A. I don't recall.

Q. Do you recall making this statement—and I am now reading from page 1845 of the proceedings before the Rapp-Coudert Committee, a committee of the New York State Legislature investigating public schools in the City of New York. The date of the hearing is June 4, 1941.

Mr. LaFollette: Was the witness under oath?

Mr. Marcantonio: I was going to ask him that question. I believe I did before, but I will ask him again—I mean on the other matters.

Mr. LaFollette: Yes. I don't recall.

Mr. Marcantonio: All right.

By Mr. Marcantonio:

2863 Q. Were you under oath when you testified before the Rapp-Coudert Committee? A. I was.

2864 Q. Do you remember making this statement:

"In 1929, when I was expelled from the Party, a representative was sent to the American Party with extraordinary powers. This representative was a Russian, and was sent personally by Joseph Stalin and Molotov. He was given a quarter of a million dollars because they expected a serious split in the American Party, and he was given the power to do anything he desired to do with the American Party."

Do you recall making that statement? A. I do.

Q. Do you recall mentioning the figure "a quarter of a million dollars"? A. I do.

Q. The stenographer in the case of this record did not make a mistake, as to your testimony? A. I don't think so.

Q. On that particular instance, at any rate? A. Not on that particular instance.

Q. Do you recall writing about this instance in "I Confess"? A. I wrote about that incident in "I Confess."

Q. I now read to you from page 565 of that book and ask you if you made this statement, reading some intro-

2865 ductory matter for the purpose of helping refresh your recollection, first, and then I will ask you if you made this whole statement.

I start on page 564, bottom of the page.

"But even this arrangement was not a sufficient guarantee for Stalin. He proposed that the Russian chairman of the committee of three plenipotentiary powers over the Secretariat, the Political Bureau, the Central Executive Committee and all the districts of the Party, that this single individual have the sole right and power to make decisions which would have the full weight of Comintern authority back of them and would have to be obeyed without appeal. It was also decided to help the Party's fight against us with all the resources at the command of the Comintern.

Following that meeting, Bedacht was called in for a private conference at which the strategy of the fight in America was worked out, and the decision made to send the Party an initial sum of \$50,000, with which to finance the fight."

Do you recall making that statement? A. I do.

2868. Q. All right. Did you, in either one of your two books, "I Confess" or "The Whole of Their Lives," ever mention a figure of a hundred thousand dollars? A. I don't recall now. I may have.

Q. Well, you may have. I show you the two books and ask you to show me. You should be able to find there  
2869 very easily where you write about this incident.

Show me where you mentioned a hundred thousand dollars.

The Witness: Here is a part: "A supplementary decision was made by Stalin on the Daily Worker, which provided that if the Daily Worker fell into the hands of the opposition, Williams was to be supplied with upwards of

one million dollars to launch a new daily communist paper."

2878 Mr. LaFollette: Mr. Gitlow, I would like to ask you this:

In any of the conversations which you have had with Mr. Mandel, with reference to the conduct of this case, have you discussed with him your opinion or evaluation of the conduct of any member of this panel during the hearing?

The Witness: I discussed the conduct of this case, I discussed the attorneys in the case, I discussed the members of the Panel.

Mr. LaFollette: You discussed the members of the Panel?

The Witness: That is right.

Mr. LaFollette: And their conduct during the conduct or sessions of these hearings?

The Witness: I did.

Mr. LaFollette: Mr. Gitlow, let me ask you this:

Would you have discussed the matter of the conduct of the Panel in this hearing, any of them, with Mr. Mandel, had he not occupied the present position which you  
2879 know he occupies?

The Witness: I would have discussed it with him, because he is a friend of mine, over a long period of time, interested in the matters that I am interested in, and whenever I am in Washington I discuss matters with him.

Mr. LaFollette: And do you or do you not know that the question of the confirmation of the members of this Board, including, of course, the members of the hearing Panel, is undecided at the present, by the Senate Judiciary Committee?

The Witness: I knew of that fact.

Mr. LaFollette: Do you or do you not know that Mr. Mandel is on the payroll of the Senate Judiciary Committee?

The Witness: I know he is on the payroll of the Senate Judiciary Committee.

Mr. LaFollette: Mr. Paisley, my personal reaction is these are very very unpleasant answers to hear from this witness.

2924 Q. Was the representative of the Communist International ever an American? A. Never.

Q. I didn't get the answer. I am sorry. A. The representative of the Communist International to the Communist Party of the United States was never an American.

Q. Was he a member of the Communist Party of the United States? A. One became a member of the Communist Party of the United States.

Q. Once they became a member of the Communist Party, they ceased to be members of the Communist International? A. No.

Q. Is it your testimony now that a member of the Communist Party of the United States could at the same time hold office as a representative of the Communist International to the Communist Party of the United States?

2925 is that your testimony? A. Every representative of the Communist International to the Communist Party of the United States, when he landed in this country, became a member of the leading committee of the Communist International and functioned on that committee as a member of the Communist Party.

Q. I now ask you, did he become a member of the Communist Party of the United States? A. One became, for a time, a member of the Communist Party of the United States. Only one representative, and that was John Pepper.

Q. And at the time he was a member of the Communist Party of the United States, was he still a representative of the Communist International? A. He was not.

Q. He was not? A. No.

He was assigned by the Communist International to membership in the Communist Party of the United States, and to work with the Communist Party.

Q. I want to get this straight. Then when he became a member of the Communist Party of the United States, he ceased being the representative of the Communist International; is that your testimony? A. Yes, yes.

3013 Q. Now, have you met Mr. Mandel since the recess last night? A. I did.

Q. This is the fifth time you have met him since I started cross examining you, isn't it? A. I don't recall whether it is the fifth or the fourth, or the sixth, but I met him last night.

3020 Q. Have you discussed these proceedings with any member of the Judiciary Committee of the United States Senate?

3021 Mr. LaFollette: I think that as the Presiding Member of the Panel I intruded this line of questioning  
3022 into the case.

So that my own thinking may be made clear for everybody to know, I feel pretty much the same way about this witness discussing my conduct in the hearing room with Mr. Mandel, under the circumstances, as I would if I were a *nisi prius* judge, in an elective office, and a political boss had the right to control my nomination or renomination.

I would resent it very much. I don't know that it necessarily proves, of itself, that there was an attempt by this device to intimidate me.

In a sense, I do not know that it is material. Were I in the position that I have enumerated, and since I am in this position, I can only remember, and I think each member of this Panel remembers, that I was sworn to do my duty.

I report that I personally would resent it, and that I do resent it. I also say that I think that I am capable of attaching such credibility and weight to this witness' testimony as should be despite this conduct.

3024 Mr. LaFollette: All right let me make a statement.

Let the record show that I have been requested by my colleague, Mr. Brown, to make the record doubly sure—which I thought it was—that the sentiments which I expressed with reference to my attitude towards this conduct, are not his:

And let the record further show, without request, that they should not be imputed to my colleague, Dr. McHale. They are my own personal feelings of what I consider to be proper, normal reaction to the conduct of this witness.

3033 Q. Now, Mr. Witness, the questions I am going to ask you at this point are with respect to your opinion of the Communist Party and the Communist leadership, not of today, but the Communist Party and the Communist leadership during the period when **you** were a member.

Now, would you not say that the Communist membership, and the leaders of the Communist Party, sincerely believed in their position—I am talking about that period now.  
A. Well, you would have to let me know what particular position.

Q. Well, did they take the viewpoint that the most important thing in life was to change the economic system?

A. They took the viewpoint—to generalize; it is very difficult to be specific because there are nuances as far as every leader in the Communist Party is concerned—but they took the general position, one, that capitalism was a decadent system of society, that it was in its last stages; two, that the most significant event in the history of mankind was the communist revolution that happened in Russia,

that it set the pattern for a new system of society for replacing the capitalist system of society. While they recognized that, in their opinion, capitalism was a dying society, they nevertheless took the position, which was the position of the Communist Party, that capitalism as a society, and the governments which maintained it had to be destroyed, that that destruction was only possible through the use of force and violence in overthrowing the system.

Essential in overthrowing the system, the first essential in overthrowing the system, was overthrowing the governments that supported that system.

#### Redirect Examination

3043 By Mr. Paisley:

3044 Q. I show you, Mr. Gitlow, Communist Party Exhibit number one, and direct your attention to the personnel listed there, under the heading "American Trade Union Delegation to the Soviet Union."

I notice that Mr. Marcantonio did not ask you about six individuals listed under the heading "Research and Secretarial Staff."

Do you know whether or not those individuals were members of the Communist Party at that time? A. It was reported to us that this staff was made up entirely of Party members, and the following were communists: Stanisława Piotrowska, that I know of—

3046 The Witness: It was reported by Jay Lovestone to me in the national office, and also to the Secretariat, that all the members of the research and secretarial research staff were members of the Communist Party.

Of that number I know were definitely members of the Communist Party, Lois Perlmutter, Sara Ragozin, and Stanisława Piotrowska, of the University of Keiv, Warsaw.

3049 Q. Now you testified, as I remember, on cross examination, that you do not know who signed the report, but you did know how it was drawn up and its final disposition.

Do you recall giving that testimony? A. I do.

Q. How was it drawn up, and what was its final disposition? A. It was drawn up by Dunne, submitted to the Secretariat by Lovestone, the report was gone over, and after it was approved, it was printed, ordered printed.

3050 Q. Do you know, Mr. Gitlow, whether there is any truth in the assertion in that book there, that the individual members paid their own way? A. There is no truth in that assertion and there was never a financial statement issued by the Committee.

Mr. LaFollette: Which committee is that? The Secretariat, or the committee—

The Witness: The Trade Union Committee itself.

3060 Will you state, please, how well you knew Mr. Mandel before you came here to testify in this case? A. Mandel and I have been personal friends ever since 1922.

Q. Was he a member of the Communist Party while you were? A. He was, yes.

Q. Were you actively associated with him in the Communist Party? A. I was.

Q. Had you been with him socially before you came here this time? A. Do you mean how recently, socially?

Q. Anytime in the past before you came here? A. Oh yes, on many, many occasions.

Q. How long have you known Kornfedder? A. I knew Kornfedder from either 1918 or 1919 on.

Q. Was he a friend of yours? A. He was.

Q. Associated with you in the Communist movement? A. He was.

Q. Before you came here to testify? A. He was.

3095 **Joseph Zack Kornfedder** took the witness stand, and having been duly sworn, was examined and testified as follows:

Direct Examination

3098 A. In 1927 I was amongst those selected to go for additional training in Moscow, at the Lenin School.

Q. How long did you stay in Moscow? A. I stayed in Moscow from October, 1927, till April, I believe, 1930.

Q. And where did you go from Moscow? A. From Moscow I went to South America.

Q. In what capacity? A. As a representative of the Communist International.

Q. And how long did you stay in South America? A. I stayed in South America from May or June, 1930 till October, 1931.

Q. A little better than a year? A. Yes, sir.

Q. And where did you go after you left South America? A. I returned to the United States.

Q. And did you continue your membership in the Communist Party when you returned to the United States? A. I did.

3106 Q. Were there any special qualifications which a member had to have in order to be eligible for training in Moscow? A. Yes, there were.

Q. What were those qualifications, if you know? A. The individuals selected for training were to be not older than 35 years of age, and must have been active in the Communist Party for at least five years, and be more than average in ability.

Q. Who set up these qualifications, if you know? A. They were set up by the Comintern.

Q. And thereafter communicated to the Party of the United States? A. Yes, sir.

Q. Now initially, does the Party in the United States select the persons for training in Moscow? A. Yes.

Q. During the time when you were on the Central Committee of the Communist Party of the United States, did the Party originally select persons whom they intended to send to Moscow for training? A. Yes, sir, they selected them, as a recommendation.

Q. What do you mean by "as a recommendation?" A. They recommended several individuals to go for that training, but the recommendation was not definite until these individuals were approved in Moscow.

Q. Now when you left the United States to go to Moscow, did you have an American passport? A. Yes, I did.

Q. Did you apply for that passport under your own name? A. No, I applied under a different name.

Q. Do you recall what name you used? A. To the best of my recollection, the name used on that passport was Foehs.

Q. Did you bring any identifying papers, or any other documents with you when you made application for a passport? A. Yes, I had the citizenship papers of Foehs, to make the application for the passport.

Q. At that time you were not a citizen? A. At that time I was not a citizen.

Q. And who supplied you with these papers if anyone? A. The papers were given me by George Mink.

Q. Let's stop there for a minute, and I will ask you who is George Mink? A. George Mink at that time was the Communist Party's waterfront leader in New York on the New York waterfront.

Q. And he supplied you with the necessary citizenship papers and other documents necessary for you to apply for a passport? A. Yes, sir.

Q. And the passport was thereafter granted? A. Yes, sir.

Q. In the name of Fochs? A. Yes, sir.

Q. From what port did you leave? A. I left from the Port of New York.

Q. And do you recall the route that you took to get to Moscow? A. Yes, I went over France to Germany to Berlin. Then in Berlin I contacted the Communist Party Headquarters and turned over my passport to an individual designated for that purpose, and he, within a matter of 3109 two or three days, supplied me with all the necessary papers to enter the Soviet Union.

Q. Did that include a Soviet visa? A. Yes.

Q. Was this visa then stamped right into your passport?

A. No, the visa was on a separate sheet of paper.

Q. Was there any purpose in not stamping your visa into your passport, as far as you know? A. Yes.

Q. Did you have any discussion with any person in Moscow concerning this visa? Either any official of the Soviet Government, any member of the Communist International, any leader of the training school? A. Yes, I did.

Q. Did you inquire as to why the visa was not stamped into your passport? A. Yes, I did, when I surrendered the passport.

Q. And what were you told? A. The individual in charge of the Secret Department of the Comintern looked through it as to whether a mistake had been made by stamping the visa into the passport, and then he explained the idea as to why such a thing is not done.

3110 Q. What was the explanation that he gave you? A. The explanation was that if the passport were stamped with the visa, then in any further travels for which the passport might be used later on, it would disclose that the individual had been in Moscow a certain length of time, which was considered not good for the purposes of using that passport later on.

Q. Did you pay your own transportation expenses when you went from New York to Moscow? A. No, the expenses were paid by the Communist Party.

Q. How do you know that? A. Well, I got the money from Jack Stachel, who was then righthand man to Jay Lovestone, I think in charge of the Organization Department.

3112 Q. Were financial reports made at the meetings of the Central Committee? Were the questions of the Party's finances discussed at Central Committee meetings?

A. Yes.

Q. From those discussions would you know whether the Party would be in a financial position to lay out the money to send these people to Moscow, that you have mentioned?

A. Well, this question was not involved, because the money was paid by Moscow.

Q. How do you know that? A. I know that from my stay in Moscow, after I got there.

Q. And when you were in Moscow you learned that—was it the Comintern, the Communist International, had sent the money? A. That is right.

Q. You learned there that the Party sent money to the Communist Party of the United States for the purpose of paying the transportation expenses of members of the Communist Party to go to Moscow for training purposes, is that correct? A. Yes, sir.

3113 Now, Mr. Kornfedder, when you left the United States for Moscow, did you know for how long a period of time you would stay in Moscow? A. Yes.

Q. How long a period of time was that? A. Three years.

Q. Three years? A. Yes.

Q. Now let's get down to why you were in Moscow.

Did you attend any of the training schools? A. Yes,

3114 I attended the Lenin School.

Q. While in Moscow did you learn of the existence of any other type of training schools? A. Yes.

Q. Can you tell us what they were? A. Yes, there was the Western University, the Eastern University, the Academy of Red Professors, and then there was a special section of the Frunze Military Academy for Training Communists.

Q. Can you tell us, if you know, the distinctions or differences between these various schools, or what their specialties were, or anything about them? A. Yes, sir. At the Western University—well, they were all colleges for training in political warfare, but there was a difference.

The Lenin School took in trainees from the more advanced countries, Germany, Austria, France, England, the United States, Canada, and so on.

The Eastern University took in Communists for training from China, Korea, Siam, and other Asiatic countries.

The Western University took in Communists for training from the semi-agrarian countries, like the Balkans, the Baltics, countries like that.

The Academy of Red Professors was a training school for theoreticians for the Communist movement.

3115 Q. Does that complete your answer? A. Yes, that covers it.

Q. Now you stated that you attended the Lenin School? A. Yes.

Q. Can you describe the type of courses which were taught to you at the Lenin School, or the Lenin Institute? A. Yes. The training included economics from the Marxian point of view, based upon the role of the working class in the processes of production, the method of political warfare known as Leninism, the structure, character and method of organization of a Party like the Communist Party, and then there were some subsidiary courses in the methods of organization and operation in organizing factory workers or operating inside of existing labor unions.

Also methods of organization amongst agricultural workers and farmers, and methods of organization of what is in this country known as Fronts, but at that time were called conveyor belt organizations, and at the end, there was three months' course of a military nature in techniques and methods of insurrection.

3117 Q. Now you stated that you were taught that the organizational structure of the Communist Party is highly centralized.

I wonder if you would explain that a little further? A. Yes, the Communist Party methods and structure taught in those schools was a military type of political organization, with an established chain of command, and high discipline, with the addition, which differs from the field of military organization, that the lower units would have considerable leeway in discussing local tactical problems.

Q. You say it was built along military lines? A. Yes, sir.

3118 Q. You stated that you were taught, or given some courses in the techniques of insurrection and seizure of power.

Can you describe what you were taught in those courses?

A. Yes. The courses on insurrection and seizure of power included preparation phases and then actual planning of the seizure of a city, or several cities, how to form troops for that purpose, or forces, what to do immediately

3119 after the seizure, and how to consolidate power after seizure.

Q. Now, Mr. Kornfeder, you say you were taught methods of forming combat groups in connection with these courses.

Can you describe or tell us what these methods were for the formation of these combat groups? A. Well, combat groups would be groups that are selected from amongst

3120 those Party members who either had previous training with arms, had been in the military forces, or that had been taught the use of arms and who had shown, in various types of fighting, prior to the civil war, the courage to be selected for these kinds of groups.

The usual detachment of this kind of groups would be five men. They would be organized into command units of five groups, with one captain, and according to the plan that would be laid out as to what to take first, or second, at the time of insurrection in a city, they would be assigned to their objectives.

The objectives would have to be cased prior to action, so that each group would know the physical layout of the objective to be seized.

There would, of course, be a central command for any city, which would direct the operations of all these troops. Practical methods were taught on the basis of actual insurrections that had taken place in the past, either in Russia or Germany, or other countries.

Q. Now, were you taught anything concerning what conditions are necessary to exist before a successful revolution could be accomplished? A. Yes sir.

Q. What were those conditions? A. The conditions would have to be a major crisis in the country, either 3121 after a defeat in war, or an economic and political crisis. If I remember right, Lenin's formula on the subject was that the ruling classes would not be able to rule as usual, that the masses would not be able to live as usual, and that there would have to be a competent, sufficiently well organized Communist Party to take advantage of the situation.

Q. What role would the Communist Party play in such a situation? A. The Communist Party is the center for organizing such an insurrection.

3125 Q. Now, Mr. Kornfeder, during your attendance at the training school in Moscow, did you engage in